

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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वर्ग वित्त, शनिवार, मार्च 29, 1969/चैत्र 8, 1891

No. 13]

NEW DELHI, SATURDAY, MARCH 29, 1969/CHAITRA 8, 1891

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह धलन संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के प्रसाधारण राजपत्र 18 मार्च 1969 तक प्रकाशित किए गए :-

The undermentioned Gazettes of India Extraordinary were published up to the 18th March 1969:—

Issue No.	No. and Date	Issued by	Subject
86	S. O. 930, dated 7th March, 1969.	Election India.	Commission of Calling upon the elected member of the Legislative Assembly of the State of Punjab to elect a person to the Council of States of that State.
	S. O. 931, dated 7th March, 1969.	Do.	Appointments of dates for the above election (S.O. 930).
	S. O. 932, dated 7th March, 1969.	Do.	Fixation of hours for the above election (S. O. 930).
	S. O. 933, dated 7th March, 1969.	Do.	Designating the Secretary, Punjab Vidhan Sabha Secretariat to be the Returning Officer for the above election (S.O. 930).
	S. O. 934, dated 7th March, 1969.	Do.	Appointing the Deputy Secretary, Punjab Vidhan Sabha Secretariat to assist the Returning Officer for the above election (S.O. 930).

एस० ओ० 935 दिनांक 7 भारत निर्वाचन आयोग पंजाब राज्य की विधान सभा के निर्वाचित सदस्यों से राज्य सभा के लिए एक व्यक्ति का निर्वाचन करने का अनुरोध।

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 936, दिनांक 7 मार्च, 1969 ।	भारत निर्वाचित आयोग	ऊपर लिखे निर्वाचन के लिए तिथि निर्धारण (एस० ओ० 935) ।
	एस० ओ० 937, दिनांक 7 मार्च, 1969 ।	तदैव	ऊपर लिखे निर्वाचन का समय नियत करना (एस० ओ० 935) ।
	एस० ओ० 938, दिनांक 7 मार्च, 1969 ।	तदैव	पंजाब विधान सभा के सचिव को रिटर्निंग आफिसर नियुक्त करना (एस० ओ० 935) ।
	एस० ओ० 930, दिनांक 7 मार्च, 1969 ।	तदैव	पंजाब विधान सभा के उपा सचिव को रिटर्निंग आफिसर की सहायता के लिए नियुक्त करना (एस० ओ० 935) ।
87	S.O. 940, dated 7th March, 1969.	Election Commission of India.	Calling upon the elected members of the Legislative Assembly of the State of Punjab to elect a person to the Council of States of that State.
	S.O. 941, dated 7th March 1969.	Do.	Appointments of dates for the above election (S.O. 940).
	S.O. 942, dated 7th March 1969.	Do.	Fixation of hours for the above election (S.O. 940).
	S. O. 943, dated 7th March, 1969.	Do.	Designating the Secretary, Punjab Vidhan Sabha Secretariat, to be the Returning Officer for the above election (S.O. 940).
	S.O. 944, dated 7th March, 1969.	Do.	Appointing the Deputy Secretary, Punjab Vidhan Sabha Secretariat to assist the Returning Officer for the above election (S. O. 940).
	एस० ओ० 945, दिनांक 7 मार्च, 1969 ।	भारत निर्वाचन आयोग	पंजाब राज्य की विधान सभा के निर्वाचित सदस्यों से राज्य सभा के लिए एक व्यक्ति का निर्वाचन करने का अनुरोध ।
	एस० ओ० 956, दिनांक 7 मार्च, 1969 ।	तदैव	ऊपर लिखे निर्वाचन के लिए तिथि निर्धारण (एस० ओ० 945) ।
	एस० ओ० 947, दिनांक 7 मार्च, 1969 ।	तदैव	ऊपर लिखे निर्वाचन का समय नियत करना (एस० ओ० 945) ।

Issue No.	No. and Date	Issued by	Subject
	एस० ओ० 948, दिनांक 7 मार्च, 1969 ।	भारत निर्वाचन आयोग	पंजाब विधान सभा के सचिव को रिटर्निंग आफिसर नियुक्त करना (एस० ओ० 945) ।
	एस० ओ० 949, दिनांक 7 मार्च, 1969 ।	तद्वैव	पंजाब विधान सभा के उप सचिव को रिटर्निंग आफिसर की सहायता के लिए नियुक्त करना (एस० ओ० 945) ।
88	S. O. 950, dated 10th March, 1969.	Ministry of Home Affairs.	Extending the tenure of the Commission of Inquiry for its report upto the 31st October, 1969.
89	S. O. 1037, dated 11th March, 1969.	Ministry of Law	Election to the Council of States by the Elected Members of the Andhra Pradesh Legislative Assembly.
90	S.O. 1038, dated 12th March, 1969.	Ministry of Foreign Trade and Supply.	Further amendment to the Exports (Control) Order, 1968.
91	S. O. 1039, dated 13th March, 1969.	Do.	Amendment to Notification No. S. O. 1022, dated 26th March 1969.
92	S.O. 1040, dated 14th March, 1969.	Ministry of Information and Broadcasting.	Approval of the films as specified therein.
93	S.O. 1041, dated 17th March, 1969.	Ministry of Home Affairs	Rescission of Order, dated 18th September, 1968, in relation to the Union Territory of Pondicherry.
94	S. O. 1042, dated 18th March, 1969.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(केंद्र मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

गृह मंत्रालय

नई दिल्ली, 18 मार्च, 1969

एस० आ० 1166—भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुये, राष्ट्रपति, मणीपुर कर्मचारी (वेतन पुनरीक्षण) नियम, 1966 में और आगे संशोधन करने के लिये निम्नलिखित नियम बनाते हैं :

2. ये नियम मणीपुर कर्मचारी (वेतन पुनरीक्षण) संशोधन नियम, 1968 कहे जा सकेंगे।

3. मणीपुर कर्मचारी (वेतन पुनरीक्षण) नियम, 1966 की अनुसूची में :—

“सामुदायिक विकास विभाग” के शीर्षक के अन्तर्गत क्रमशः खाना 1, 2, 3 और 4 के अधीन निम्नलिखित प्रविष्टियां अन्तर्वेश की जायेंगी :

30 सहायक विकास आयुक्त,	250-25-300-30-450	350-30-500 ई० बी० 30-
	ई०बी०-30-600-ई०बी०	650 ई० बी० 35-1000
	35-800 रुपये	रुपये

[संख्या 1/16/65-एच० एम० टी०]

आर० सी० गुप्ता,
अवर सचिव।

MINISTRY OF HOME AFFAIRS

New Delhi, the 20th March 1969

S.O. 1167.—In exercise of the powers conferred by section 15 of the Laccadive, Minicoy and Amindivi Islands (Civil Courts) Regulation, 1965 (9 of 1965), the Central Government hereby confers upon the munsiffs mentioned in column (1) of the Table below, the jurisdiction of a judge of a court of small causes under the Provincial Small Cause Courts Act, 1887 (9 of 1887) for the trial of suits, cognizable by such courts, up to the value not exceeding five hundred rupees, within the local limits specified in the corresponding entries in column (2) of the said Table.

TABLE

Munsiffs	Local Limits
(1)	(2)
Munsiff, Androth.	The Islands of Androth, Kalpeni, Minicoy and Kavaratti and the islets of Elikalpeni Bank, Suheli Valiyakara, Suheli Cheriyaakara, Pitti (near Kavaratti Island), Cheriyam, Tlakkam, Pitti (near Kalpeni Island) and Viringili.
Munsiff, Amini.	The Islands of Amini, Kadmat, Kiltan, Chetlat, Bitra and Agatti and the islets of Balia Panlyam, Cheriya Panlyam, Cora Divh Bank, Bangaram, Thinnakara, Parali, Kalpatti and Perumulpur.

[No. F. 9/10/68-UTL.]

K. R. PRABHU, Jt. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 17th March 1969

S.O. 1168.—In exercise of the powers conferred by Section 3 of the Emigration Act 1922 (VII of 1922) the Central Government hereby appoints Shri P. N. Nair to be the Protector of Emigrants, Mandapam Camp with effect from the afternoon of 27th February, 1969, *vice* Shri K. Krishna Kutty Nair.

[No. CPEO/4/69.]

[No. 3(26)PV.IV/60.]

M. L. KHOSLA,
Attache (PVA).

विदेश मंत्रालय

नई दिल्ली, 17 मार्च, 1969

एस० नो० 1169—उत्प्रवासन अधिनियम, 1922 (1922 का VII) के ख० 3 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार श्री पी० एन० नायर को श्री के० कृष्ण कुट्टी नायर के स्थान पर 27 फरवरी, 1969 के अपराह्न से मण्डपम कैम्प में, उत्प्रवासी संरक्षक के रूप में नियुक्त करती है।

[सं० सी० पी० ई० नो०/4/69]

एम० एल० खोसला,
सहचारी (पीवीए)।

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 17th March 1969

S.O. 1170.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Hindustan Commercial Bank Ltd., Kanpur, in respect of the property held by it at Dholpur, till the 15th March, 1970.

[No. F. 15(4)-BC/68.]

New Delhi, the 19th March 1969

S O. 1171.—Statement of the Affairs of the Reserve Bank of India, as on the 14th March, 1969.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	13,81,40,000
		Rupee Coin	4,78,000
Reserve Fund	150,00,00,000	Small Coin	7,12,000
		Bills Purchased and Discounted :—	
National Agricultural Credit (Long Term Operations) Fund .	143,00,00,000	(a) Internal
		(b) External
		(c) Government Treasury Bills	145,70,18,000
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	Balances Held Abroad*	109,14 29,000
		Investments**	98,55,77,000
National Industrial Credit (Long Term Operations Fund	55,00,00,000	Loans and Advances to :—	
		(i) Central Government
		(ii) State Governments@	101,62,43,000
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Scheduled Commercial Banks†	240,63,66,000
		(ii) State Co-operative Banks††	242,96 99,000
		(iii) Others	3,13,50,000

(i) Central Government	86,05,97,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund:—	
(ii) State Governments	11,37,73,000	(a) Loans and Advances to :—	
(b) Banks:—		(i) State Governments	30,73,78,000
		(ii) State Co-operative Banks	13,25,14,000
(i) Scheduled Commercial Banks	158 93,55,000	(iii) Central Land Mortgage Banks
(ii) Scheduled State Co-operative Banks	6 86,05,000	(b) Investment in Central Land Mortgage Bank Debentures *	8,58,95,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
(iii) Non-Scheduled State Co-operative Banks	48,48,000	Loans and Advances to State Co-operative Banks	5,09,93,000
(iv) Other Banks	63 43,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund:—	
(c) Others	285,86,11,000	(a) Loans and Advances to the Development Bank	6,26,71,000
Bills Payable	44,26,08,000	(b) Investment in bonds/debentures issued by the Development Bank
Other Liabilities	101,54,07,000	Other Assets	42,37,84,000
	<u>Rupees . 1062,02,47,000</u>		<u>Rupees . 1062,02,47,000</u>

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 170,62,97,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 19th day of March 1969

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 14th day of March, 1969.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	13,81,40,000		Gold Coin and Bullion:—		
Notes in circulation	3520,11,48,000		(a) Held in India	182,53,11,000	
			(b) Held outside India	
TOTAL Notes issued		3533,92,88,000	Foreign Securities	196,42,00,000	
			TOTAL		378,95,11,000
			Rupee Coin		73,49,81,000
			Government of India Rupee Securities		3081,47,96,000
			Internal Bills of Exchange and other Commercial paper
TOTAL LIABILITIES		3533,92,88,000	TOTAL ASSETS		3533,92,88,000

L. K. JHA,
Governor.

Dated the 19th day of March 1969.

[No. F. 3(3)-BC/69.]

New Delhi, the 20th March 1969

S.O. 1172.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Derajat Bank Ltd., Amritsar in respect of the agricultural land measuring 128 Kanals, 1 marla and 5 fields held by it in village Saktuwal, Tehsil Batala, District Gurdaspur, Punjab, up to the 30th June, 1969.

[No. F.15(15)-BC/68.]

K. YESURATNAM, Under Secy

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(नियंत्रक, पूंजी पुरोधरण का कार्यालय)

नई दिल्ली, 1 फरवरी, 1969

पूँजी पुरोधरण (छूट) आदेश, 1969

का० आ० 1173—पूँजी पुरोधरण (नियंत्रण) अधिनियम, 1947 (1947 का 29) की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के वित्त मंत्रालय (आर्थिक कार्य विभाग) की अधिसूचनाओं क्रमशः सं० का० आ० 1234, तारीख 23 मई, 1961 और सं० सा० का० नि० 1705, तारीख 4 नवम्बर, 1966 के साथ प्रकाशित पूँजी पुरोधरण (छूट) आदेश, 1961 और पूँजी पुरोधरण (छूट) आदेश, 1966 को प्रतिष्ठित करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित आदेश करती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ

- (1) यह आदेश पूँजी पुरोधरण (छूट) आदेश, 1969 कहा जा सकेगा।
- (2) यह शासकीय राजपत्र में अपने प्रकाशन की तारीख को प्रवृत्त हो जाएगा।

2. निर्बन्धन:—इस आदेश में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,

(क) “अधिनियम” से पूँजी पुरोधरण (नियंत्रण) अधिनियम, 1947 (1947 का 29) अभिप्रेत है ;

(ख) “बैंककारी संस्था” से बैंककारी का कारबार करने वाली कोई संस्था जिसे बैंककारी विनियमन अधिनियम 1949 (1949 का 10) चाहे पूर्णतः या अंशतः लागू होता है, अभिप्रेत है ;

(ग) “अन्तर्बलित प्रतिफल” से,

(i) नाममात्र मूल्य के बिना प्रतिभूतियों के पुरोधरण के सम्बन्ध में वह रकम जो प्रतिभूतियों के पुरोधरण पर उत्थापित हो, और नाममात्र मूल्य सहित प्रतिभूतियों की वशा में कुल नाम मात्र मूल्य की तथा किसी प्रीमियम प्रवेश फीस या अन्य ऐसे संदाय की जिसके संदत्त करने की अपेक्षा प्रतिभूतियों के प्रति अभिदाय करने वाले व्यक्ति से की जाए, राशि; तथा

(ii) धन उधार लेने के सम्बन्ध में, उधार लिए जाने वाले धन की रकम; अभिप्रेत है।

(घ) “बीमा कम्पनी” से कोई ऐसा बीमा करने वाला अभिप्रेत है जो कम्पनी हो और जिसका परिसमापन कम्पनी अधिनियम, 1956 (1956 का 1) के अधीन किया जा सकता हो।

(ङ) “बैंककारी कम्पनी”, “बीमा करने वाला” और “भविष्य निधि समिति” के वही अर्थ होंगे जो उन्हें, क्रमशः बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 5 के खण्ड (ग), और बीमा अधिनियम, 1938 (1938 का 4) की धारा 2 के खण्ड (9) और धारा 65 की उपधारा (1) में समनुद्दिष्ट हैं;

(च) जो शब्द और पद इस आदेश में उपयोग में लाए गए हैं और परिभाषित नहीं किये गये हैं किन्तु अधिनियम में परिभाषित किए गए हैं उनके वही अर्थ होंगे जो अधिनियम में उन्हें क्रमशः समनुद्दिष्ट हैं।

3. अधिनियम के कतिपय उपबन्धों से विपरीत प्रतिभूतियों के पुरोधरण को छूट :

(1) अधिनियम की धारा 3, 4 तथा 5 के उपबन्धों से निम्नलिखित प्रतिभूतियों के पुरोधरण को छूट दी जाएगी, अर्थात् निम्नलिखित द्वारा अन्तर्बलित प्रतिफल के मूल्य को दृष्टि में लाए बिना प्रतिभूतियों का पुरोधरण :—

- (i) कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 3 में यथा परिभाषित प्राइवेट कम्पनी ;
- (ii) कम्पनी अधिनियम 1956 (1956 का 1) की धारा 617 में यथा परिभाषित सरकारी कम्पनी परन्तु यह तब जब कि प्रतिभूतियों के पुरोधरण का कोई भाग साधारण जनता को नहीं दिया गया हो ;
- (iii) कोई बैंककारी कम्पनी या बीमा कम्पनी अथवा भविष्य निधि समिति जो कम्पनी के रूप में निर्गमित हुई हो।

परन्तु यदि पूंजी का कुल पुरोधरण 365 दिन की कालावधि में पचीस लाख रुपये से अधिक हो जाता है तो ऊपर वर्णित कम्पनियाँ, जैसे ही पुरोधरण कर दिया जाए, उस पर एक रिपोर्ट, दो प्रतियों में, जब तक कि प्रतिभूतियाँ पूरी तरह से समादत्त न कर दी गई हों, उस विस्तार तक जो लागू हो, उस प्ररूप में जो इस आदेश से उपाबद्ध अनुसूची में विनिर्दिष्ट है, पूंजी पुरोधरण नियंत्रक को भेजेंगी और, तत्पश्चात् 31 मार्च, 30 जून, 30 सितम्बर और 31 दिसम्बर को भी रिपोर्टें भेजी जाएंगी और साथ ही संपरीक्षित तथा प्रकाशित तुलन-पत्र की एक प्रति प्रतिभूतियों के पूरी तरह से समादत्त किए जाने के अव्यवहित पश्चात् उक्त नियंत्रक को भेजी जाएगी।

4. पब्लिक लिमिटेड कम्पनियों द्वारा प्रतिभूतियों के पुरोधरण को अधिनियम के कतिपय उपबन्धों से पूर्णतः छूट :—

अधिनियम की धारा 3, 4 और 5 के उपबन्धों से पब्लिक लिमिटेड कम्पनियों द्वारा निम्नलिखित पुरोधरणों को छूट दी जाएगी, अर्थात् :—

- (i) पब्लिक लिमिटेड कम्पनी द्वारा प्रतिभूतियों का पुरोधरण और ऐसी कम्पनी द्वारा पुरोधित ऐसी प्रतिभूतियों के सम्बन्ध में सब संव्यवहार, यदि ऐसे पुरोधरण में अन्तर्बलित प्रतिफल का मूल्य ऐसे पुरोधरण से अव्यवहित पूर्ववर्ती बारह मास के भीतर ऐसी कम्पनी द्वारा किए गए किसी पूर्व प्रतिभूतियों के पुरोधरण में अन्तर्बलित प्रतिफल के मूल्य सहित 25 लाख रुपये से अधिक नहीं हैं;

स्पष्टीकरण:— 25 लाख रुपये की उपर्युक्त सीमा बारह मास की किसी कालावधि के दौरान सब पुरोधरणों और संव्यवहारों के कुछ मूल्य के बारे में होगी और न कि प्रत्येक व्यक्ति पुरोधरण या संव्यवहार या उसके किसी भाग या किसी एक पक्षकार से प्राप्त प्रतिफल के मूल्य के बारे में ;

- (ii) किन्हीं प्रतिभूतियों को किसी लघुतर अभिधान की प्रतिभूतियों में उप-विभाजित करने के या किन्हीं प्रतिभूतियों के किसी दीर्घतर अभिधान की प्रतिभूतियों में समेकन करने के प्रयोजन के लिए उनका पुरोधरण :

परन्तु किसी भी दशा में संव्यवहार, कम्पनी की समावस पूंजी के कुल मूल्य में कोई बढ़ोतरी अन्तर्बलित नहीं करता है तथा उप-विभाजित या समेकित प्रतिभूतियां एक ही प्रभार की हैं ;

- (iii) उस दशा में प्रतिभूतियों का पुरोधरण जहां :—

- (क) बैंककारी कम्पनियों से भिन्न दो या अधिक कम्पनियों का समामेलन केन्द्रीय सरकार द्वारा, कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 396 के अधीन आदेश द्वारा अधिसूचित किया गया हो; या
- (ख) दो या अधिक बैंककारी कम्पनियों का समामेलन, भारत के रिजर्व बैंक आफ इण्डिया द्वारा बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 44क के अधीन, अनुमोदित किया गया हो तथा समामेलित कम्पनी या समामेलित बैंककारी कम्पनी की कुल समादत्त पूंजी, इस उपबन्ध के अधीन प्रतिभूतियों के पुरोधरण के पश्चात्, यथास्थिति, समामेलित कम्पनियों या समामेलित बैंककारी कम्पनियों की कुल समादत्त पूंजी से अधिक नहीं है ;

- (iv) भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) के अधीन स्थापित दी इण्डस्ट्रीयल डिवेलपमेंट बैंक आफ इण्डिया, औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) के अधीन स्थापित दी इण्डस्ट्रीयल फाइनेन्स कारपोरेशन, राज्य वित्तीय निगम अधिनियम, 1951 (1951 का 63) के अधीन स्थापित स्टेट फाइनेन्सीयल कारपोरेशन, दी मद्रास इण्डस्ट्रीयल इन-वैस्टमेंट कारपोरेशन लिमिटेड, दी इण्डस्ट्रीयल क्रेडिट एण्ड इनवैस्टमेंट कारपोरेशन आफ इण्डिया लिमिटेड, दी नेशनल इण्डस्ट्रीयल डिवेलपमेंट कारपोरेशन आफ इण्डिया लिमिटेड, दी शिपिंग डिवेलपमेंट फण्ड कमेटी, दी लाइफ इन्शोरेंस कारपोरेशन आफ इण्डिया, दी रिहैविलिटेशन इण्डस्ट्रीस कारपोरेशन आफ इण्डिया लिमिटेड, विद्युत् (पूर्ति) अधिनियम, 1948 (1948 का 54) के अधीन गठित स्टेट इलेक्ट्रीसिटी बोर्ड, दी स्टेट ट्रेडिंग कारपोरेशन आफ इण्डिया लिमिटेड, या दी मिनरलस एण्ड मेटल्स ट्रेडिंग कारपोरेशन आफ इण्डिया लिमिटेड द्वारा अनुदत्त उधार या लिए गए डिबेन्चर या निकाले गए बन्ध-पत्र या वचनपत्र ;

- (v) भारतीय औद्योगिक विकास बैंक अधिनियम 1964 (1964 का 18) की धारा 9 की उपधारा (1) के खण्ड (ड) या खण्ड (च) या खण्ड (छ) के अधीन दी इण्डस्ट्रीयल डिवेलपमेंट बैंक आफ इण्डिया द्वारा या औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की धारा 23 की उपधारा (1) के खण्ड (ख) के अधीन दी इण्डस्ट्रीयल फाइनेन्स कारपोरेशन द्वारा, या औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की उक्त धारा 23 की उपधारा

- (2) के अधीन केन्द्रीय सरकार या राज्य सरकार द्वारा दी गई प्रत्याभूतियों या उपखण्ड (iv) में विनिर्दिष्ट किसी अन्य निकाय या संस्था द्वारा दी गई या प्रस्तुत की गई कोई अन्य प्रतिभूतियां;
- (vi) डिबेंचरों से भिन्न उन प्रतिभूतियों का पुरोधरण और प्रतिग्रहण जहां ऐसा पुरोधरण कम्पनी द्वारा अपने कारबार के मामूली अनुक्रम में तथा एकमात्र उसी कारबार के प्रयोजन के लिए किसी बैंककारी संस्था या उसके नामनिर्देशिती को, अधिदायों या ओवरड्राफ्टों या ऐसी बैंककारी संस्था द्वारा समय-समय पर अनुदत्त की गई अथवा अनुदत्त की जाने वाली या दी जाने वाली प्रत्याभूतियों के बारे में, किया गया हो;
- (vii) केन्द्रीय सरकार या राज्य सरकार द्वारा उपखण्ड (vi) में निर्दिष्ट अधिदायों या ओवरड्राफ्टों की प्रत्याभूति करने के लिए या किसी बैंककारी संस्था द्वारा दी गई किसी प्रत्याभूति से उद्भूत उस बैंककारी संस्था को शोध्य संदायों की प्रत्याभूति करने के लिए निष्पादित उपकरण;
- (viii) उन डिबेंचरों का पुरोधरण और प्रतिग्रहण, जहां ऐसा पुरोधरण कम्पनी द्वारा अपने कारबार के मामूली अनुक्रम में तथा उस कारबार के प्रयोजनों के लिए बैंककारी संस्था या उसके नाम-निर्देशिती को किया गया हो तो, यदि ऐसे पुरोधरण से अव्यवहित पूर्ववर्ती बारह मास के भीतर ऐसी कम्पनी द्वारा दिए गए किन्हीं डिबेंचरों के किसी पूर्व पुरोधरण के मूल्य सहित ऐसे डिबेंचरों का कुल मूल्य 25 लाख रुपये से अधिक नहीं है ;
- (ix) कम्पनी की ओर से निम्नलिखित के बारे में पर-व्यक्ति द्वारा प्रत्याभूति —
- (क) उपखण्ड (iv) में विनिर्दिष्ट संस्थाओं द्वारा अनुदत्त उधार या लिए गए डिबेंचर; तथा
- (ख) बैंककारी संस्था, बीमा कम्पनी, कम्पनी के प्रबन्ध अभिकर्ता या प्रबन्ध निदेशक या कम्पनी के निदेशक द्वारा अनुदत्त या दिए गए या अनुदत्त किए जाने वाले या दिए जाने वाले उपखण्ड (vi) में निर्दिष्ट अधिदाय ओवरड्राफ्ट अथवा प्रतिभूतियां;
- (ख) पट्टा-उपकरण द्वारा आरक्षित भाटकों और स्वामित्वों (रायल्टियों) के सम्पत्ति संदाय के लिए कम्पनी की आस्तियों को प्रभारित करते हुए पट्टेदार द्वारा पट्टाकर्ता के हित में खान-पट्टे के अधीन किए गए प्रभार ।

5. पब्लिक लिमिटेड कम्पनियों द्वारा प्रत्याभूतियों के पुरोधरण को, विज्ञान के अनुपाजन के अधीन रहते हुए, अधिनियम के विषय उपबन्धों से छूट —पब्लिक कम्पनी द्वारा, जिसके अन्तर्गत कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 617 में यथा परिभाषित ऐसी सरकारी कम्पनी भी है जो प्रविवरण द्वारा पब्लिक को प्रतिभूतियों की प्रस्थापना करने की प्रस्थापना करनी है, प्रस्थापित की जाने वाली 25 लाख रुपये से अधिक प्रतिफल के लिए प्रतिभूतियों के पुरोधरण को अधिनियम की धारा 3, 4 तथा 5 के उपबन्धों से छूट दी जाएगी ;

परन्तु यह तब जब कि —

- (i) पुरोधरण में ऐसे अधिमान-अंश, जिनके साथ फायदों में भाग लेने के अधिकार उस नियत रकम से या किसी नियत दर पर संगणित रकम से अधिक रकम में

हो या साम्प्रदायिकता में सम्पत्ति का या ऐसे डिबन्चर जिनके साथ साम्प्रदायिकता में सम्पत्ति का अधिकार हो या बाह्य को संदेय हों, सम्पत्ति या अन्तर्गत नहीं है ;

- (ii) प्रस्थापित पुरोधरण के फलस्वरूप, कम्पनी की साम्प्रदायिकता उसके ऋण के आधे से कम नहीं है ;

स्पष्टीकरण 1:—“ऋण” के अन्तर्गत व सब उधार (चाहे डिबन्चर हों, उधार हों या पूंजी उपकरणों के भ्रय के लिए आस्थगित संदाय हों, जिसके अन्तर्गत उन पर का व्याज भी है) आते हैं जो उधार की तारीख से पांच वर्ष से पहले प्रतिसंदेय नहीं हैं और अमोचनीय अधिमान अंश जो निकाले जाने की तारीख से बारह वर्ष के पश्चात् के न होंगे ।

स्पष्टीकरण 2:—“साम्प्रदायिकता” के अन्तर्गत समादत्त साम्प्रदायिकता पूंजी, अंश प्रीमियम, मुक्त आरक्षितियां, अमोचनीय अधिमान अंश और ऐसे अधिमान अंश आते हैं जो पुरोधरण की तारीख से बारह वर्ष से पहले अमोचनीय न हों,

- (iii) प्रस्थापित पुरोधरण के फलस्वरूप कुल समादत्त अधिमान अंश पूंजी कुल समादत्त साम्प्रदायिकता पूंजी के एक तिहाई से अधिक न होगी ;
- (iv) जहां कम्पनी द्वारा प्रतिभूतियों या उसके किसी भाग का पुरोधरण, किसी विद्यमान कारबार या आस्तियों के ग्रहण के प्रयोजन के लिए है, वहां ग्रहण ऐसे कारबार या ऐसी आस्तियों के बही-मूल्य के अनुसार प्रभावी किया गया हो ;
- (v) जहां कोई पब्लिक कम्पनी, किसी प्राइवेट कम्पनी के सम्पत्ति का पर या किसी भागीदारी या स्वत्वधारी या व्यक्तियों के संगम के कारबार के ग्रहण के निमित्त बनाई गई है वहां ऐसी प्राइवेट कम्पनी, भागीदारी, स्वत्वधारी या व्यक्तियों के संगम के कारबार को चालू कारबार के रूप में और उनकी आस्तियों के किसी भाग के ग्रहण में यथास्थिति ऐसी प्राइवेट कम्पनी के अंशधारियों या ऐसी भागीदारी, स्वत्वधारी या व्यक्तियों के संगम के सदस्यों को पब्लिक कम्पनी द्वारा प्रतिभूतियों के पुरोधरण का प्रतिफल, प्राइवेट कम्पनी, भागीदारी, स्वत्वधारी या व्यक्तियों के संगम के ग्रहण में ऐसी ली गई शुद्ध आस्तियों के बही-मूल्य से अधिक नहीं है ;
- (vi) कोई प्रतिभूति, आस्तियों के पुनः मूल्यांकन या किसी अमूर्त या बनावटी आस्तियों के सृजन के प्रतिफल में पुरोधृत नहीं की गई है ;
- (vii) पुरोधृत प्रतिभूतियों की पुरोधरण कीमत सममूल्य पर है न कि बढ़ोतरी या बट्टे पर ;
- (viii) पब्लिक अभिदाय के लिए प्रतिभूतियों की प्रस्थापना ऐसी होगी जिससे कि प्रतिभूतियां मान्यताप्राप्त स्टॉक विनिमय (एक्सचेंज) पर सूचित करने के लिए पात्र बनाई जाएं ;
- (ix) डिबन्चरों पर व्याज की दर या अधिमान अंश पर लाभांश की दर, केन्द्रीय सरकार द्वारा ऐसी प्रतिभूतियों पर लागू होने के लिए समय-समय पर अधिसूचित दर से अधिक नहीं है और पुरोधृत करने के लिए प्रस्थापित प्रतिभूतियों की प्रस्थापना का समय, केन्द्रीय सरकार द्वारा हर एक कैलेंडर वर्ष के प्रारम्भ पर अधिसूचित निर्देशों की अनुरूपता में है ;

- (X) जहां साम्या पूंजी के पुरोधरण में पब्लिक द्वारा अभिदाय की प्रस्थापना पहली बार अन्तर्वीलत है वहां संप्रवर्तकों, निदेशकों, और उ के मित्तों द्वारा प्राइवेट तौर पर अभिदाय की गई साम्या पूंजी का मूल्य कुल पुरोधृत साम्या पूंजी के, यदि वह एक करोड़ रुपये से अधिक नहीं है तो, 15 प्रतिशत से, यदि वह दो करोड़ रुपये से अधिक नहीं है तो, 12 ½ प्रतिशत से, तथा यदि वह दो करोड़ रुपये से अधिक है तो 10 प्रतिशत से कम नहीं है ;
- (xi) अंशों की पब्लिक प्रस्थापना में किसी व्यक्ति या व्यक्तियों के वर्ग के पक्ष में कोई आरक्षित पूंजी पुरोधरण के नियंत्रक के पूर्व अनुमोदन के बिना नहीं की गई है ;
- (xii) डिबेन्चरों या बन्धपत्रों के प्रारूप में पुरोधृत प्रतिभूतियां केवल रजिस्ट्रीकृत धारकों को ही सदेय होगी ;
- (xiii) यदि प्रतिभूतियों के पुरोधरण के लिए प्रतिफल की मांग द्वारा पूर्णतया समाप्त करने की प्रस्थापना की जाती है तो ऐसी मांगें एक ही वर्ग के अधीन आने वाली सब प्रतिभूतियों पर एकरूपता के आधार पर की जाएंगी और प्रस्थापना की तारीख से 5 वर्ष की कालावधि के भीतर पूर्ण हो जाएंगी ;
परन्तु यह और भी कि :—
- (i) ऐसी कम्पनी जो उपरोक्त परन्तुक के अधीन के सिद्धान्त को तुष्टि करती है, पूंजी पुरोधरण के नियंत्रक को, अपनी पुरोधृत पूंजी की प्रस्थापनाओं की विवरणी, सं० का० नि० 600, तारीख 29 मार्च, 1966 के अधीन अधिसूचित पूंजी पुरोधरण (सम्पत्ति के लिए आवेदन) नियम, 1966 से उपाबद्ध अनुसूची में विनिर्दिष्ट प्ररूप में तथा खजाने के चालान के सिवाय उसमें वर्णित सहपत्रों सहित, प्रविवरण के पुरोधृत होने से, प्रविवरण के बदले में विवरण फाइल करने से या पुरोधरण के सम्पूर्ण या उसके किसी भाग के बारे में प्रस्थापना करने से कम से कम 30 दिन पहले, फाइल करेगा ;
- स्पष्टीकरण—इस परन्तुक में निर्दिष्ट प्रस्थापनाओं की विवरणी के साथ किसी फीस के साथ भेजने की आवश्यकता नहीं है ;
- (ii) इस प्रकार फाइल की गई प्रस्थापनाओं की विवरणी की प्राप्ति की अभिस्वीकृति पूंजी पुरोधरण के नियंत्रक से अभिप्राप्त कर ली गई है ;
- (iii) कम्पनी, यथास्थिति, अपनी प्रविवरणी में या अपनी प्रविवरणी के बदले में विवरण में या अपने अंशधारियों को प्रस्थापना के पत्र में किसी विशिष्ट स्थान में यह कथित करेगी कि प्रतिभूतियों का पुरोधरण इस आदेश के उपबन्धों के निबन्धनों के अनुसार किया जा रहा है ;
- (iv) जैसे ही पूंजी का पुरोधरण कर दिया जाए, उस पर एक रिपोर्ट दो प्रतियों में, जब तक कि प्रतिभूतियां पूरी तरह से समाप्त न कर दी गई हों, उस विस्तार तक जो लागू हो, उस प्ररूप में जो इस आदेश से उपाबद्ध अनुसूची में विनिर्दिष्ट है, पूंजी पुरोधरण नियंत्रक को भेजेगी और तत्पश्चात् 31 मार्च, 30 जून, 30 सितम्बर, और 31 दिसम्बर, को भी रिपोर्टें भेजी जाएंगी, और साथ ही

संपरीक्षित तथा प्रकाशित तुलनपत्र की एक प्रति प्रतिभूतियों के पूरी तरह से समादत्त किये जाने के अथवा वही पश्चात् उक्त नियंत्रक को भेजी जाएगी।

6— प्रतिभूतियों के लिए पत्रिक प्रस्थापना को अधिनियम के कतिपय उपबन्धों से छूट :

अधिनियम की धारा 4 के उपबन्धों से वहां तक जहां तक कि ऐसे उपबन्ध विक्रय के लिए सार्वजनिक रूप से प्रस्थापित दस्तावेजों से सम्बन्धित हों, निम्नलिखित को छूट दी जाएगी, अर्थात्—

- (क) 17 मई, 1943 से पहले किसी राज्य में पुरोधृत कोई प्रतिभूति ; तथा
- (ख) उस तारीख से पहले राज्य के बाहर पुरोधृत कोई ऐसी प्रतिभूति जो ऐसे वर्ग की प्रतिभूति है जिसका, और पुरोधरण, उस तारीख के पश्चात्, उसी कम्पनी द्वारा या उसकी ओर से केन्द्रीय सरकार की सम्मति या मान्यता के बिना नहीं किया गया है।

7— कतिपय प्रतिभूतियों को छूट जिनके पुरोधरण नियमित कर दिए गए हैं :

अधिनियम की धारा 5 की उपधारा (2) के उपबन्धों से निम्नलिखित को छूट दी जाएगी, अर्थात्—

- (क) ऐसी प्रतिभूतियां जिनका पुरोधरण अधिनियम की धारा 3 की उपधारा (1), (2) और (3) अथवा धारा (4) का उल्लंघन अन्तर्बली करता है, यदि ऐसा उल्लंघन अधिनियम की धारा 6 की उपधारा (2) के उपबन्धों के अधीन उपमर्षित कर दिया गया है; तथा
- (ख) विरासत या उत्तराधिकार की किसी विधि के प्रवर्तन द्वारा या किसी सक्षम न्यायालय की डिग्री द्वारा अन्तर्हित कोई प्रतिभूति।

8— व्यावृत्ति—इस आदेश में अन्तर्विष्ट कोई भी बात —

- (i) प्रतिभूतियों के किसी पुरोधरण को, भले ही उसमें फायदों के पूंजीकरण को अन्तर्वलित करने वाली रकम कुछ भी क्यों न हो, अथवा अतिरिक्त पूंजी के पुरोधरण के प्रयोजन के लिए आरक्षितियों को, अथवा अंशतः समादत्त अंशों के पूर्णतः समादत्त अंशों में संपरिवर्तन को, अथवा किसी प्राइवेट या पब्लिक कम्पनी द्वारा, जिसके अन्तर्गत बैंककारी कम्पनी या बीमा कम्पनी अथवा कम्पनी के रूप में निगमित भविष्य निधि समिति आती है, पहले से ही पुरोधृत अंशों के समादत्त मूल्य या सममूल्य में हुई वृद्धि को, लागू नहीं होगी ;
- (ii) केन्द्रीय सरकार की, पब्लिक कम्पनी द्वारा, जो इस आदेश के अधीन छूट प्राप्त करने की इच्छुक है, प्रतिभूतियों के पुरोधरण के लिए किसी प्रस्थापना में, लोक हित में, उपान्तरण करने की शक्ति को प्रभावित नहीं करेगी अथवा प्रभावी नहीं समझी जाएगी ;
- (iii) किसी पब्लिक कम्पनी को उन सब प्रतिभूतियों के पुरोधरण के बारे में, जिसके निबन्धन किन्हीं भी कारणों से, खण्ड 5 के उपबन्धों की तुष्टि नहीं करते हैं, अधिनियम के अधीन केन्द्रीय सरकार की सम्मति अभिप्राप्त करने से छूट देने के लिए नहीं समझी जाएगी।

9—स्पष्टीकरण—एतद्वारा यह स्पष्ट किया जाता है कि उन प्रतिभूतियों के सभी पुरोधरणों को जो इस आदेश के अन्तर्गत नहीं आते हैं और विशिष्टतया, निम्नलिखित प्रतिभूतियों के पुरोधरणों को अधिनियम की धारा 3, 4 और 5 के उपबन्धों से छूट नहीं है, अर्थात् :—

- (I) किसी भी कम्पनी-प्राइवेट कम्पनी, बैंककारी और बीमा कम्पनी, सरकारी कम्पनी तथा पब्लिक कम्पनी—द्वारा उसमें अन्तर्बलित प्रतिकल के मूल्य के अनपेक्षत: इस आदेश के खण्ड 8 (1) में यथा निर्दिष्ट बोनस पुरोधरण ;
- (II) भाग लेने या संपरिवर्तन का अधिकार रखने वाले अधिमान अंशों का पुरोधरण ;
- (III) संपरिवर्तन का अधिकार रखने वाले डिबेन्चरों का पुरोधरण या रजिस्ट्रीकृत धारकों को संदेय न किए जाने वाले डिबेन्चरों का पुरोधरण ;
- (IV) बढ़ोतरी या बढ़ी पर प्रतिभूतियों का पुरोधरण ;
- (V) उपर्युक्त खण्ड 5 में वर्णित किसी या सभी शर्तों के शिथिलीकरण को अन्तर्बलित करने वाली प्रतिभूतियों का पुरोधरण ।

अनुसूची

(खण्ड 3 और 5 देखिए)

पूँजी पुरोधरण के नियंत्रक को दो प्रतियों में भेजी जाने वाली रिपोर्टें

1—कम्पनी का नाम

2—पुरोधरण की रकम—साम्या अंश रुपये (II) अधिमान अंश रुपये (III) डिबेन्चर रुपये
(IV) उधार आदि रुपये ।

3—कम्पनी द्वारा किया गया पुरोधरण :—

पुरोधरण की किस्म (प्रतिरूप)	पुरोधरण की रकम तारीख	रकम	प्रतिभूतियों की किस्म (प्रतिरूप)
(क) बोनस से भिन्न “अधिकार” पुरोधरण †
(ख) फर्म आबंटन †
(ग) प्रविवरणियों द्वारा पब्लिक † को प्रस्थापना
(घ) उधार आदि

† जानकारी प्रतिभूति—अनुसार, उदाहरणार्थ—साम्या अंश, अधिमान अंश, डिबेन्चर, वी जानी चाहिए ।

4—निम्नांकन रकम :—

निम्नांकक का नाम . . . निम्नांकन प्रतिभूतियों की रकम किस्म
(या प्रतिरूप)

5—उपरोक्त मद 3 (ग) के अधीन प्रविष्टियों द्वारा (जिनकी दो प्रतियाँ साथ लगाई जानी चाहिए) साधारण पब्लिक को, की गई अंशों की प्रस्थापना के बारे में प्राप्त किए गए आवेदन और अभिदाय का परिणाम ।

प्रतिभूति की किस्म	आवेदन की संख्या	अंशों की संख्या	अभिदाय की रकम
(i) पब्लिक को प्रास्थापना के बारे में प्राप्त आवेदन
(ii) अगृहीत आवेदन
(iii) आबंटन के लिए विचार करने के लिए पब्लिक से विधि-मान्य आवेदन
(iv) उपरोक्त (iii) के बारे में किये गये आबंटन
(v) फर्म आबंटनों से भिन्न - निम्नांकन बाध्यताओं के अधीन निम्नांककों को आबंटन

6—रिपोर्टों के अधीन कालावधि के लिए दिए गए पुरोधरण और/या किए गए आबंटन ।

आबंटन की विशेषियाँ*	आबंटन की तारीख/तारीखें	साम्या अंश अभिदत्त (या लगाई हुई पूंजी)	अभिमान अंश समादत्त अभिदत्त समादत्त	डिबेन्चर
1	2	3	4	5

(i) 'अधिकार' अंश बोनस अंश से भिन्न

(क) विद्यमान निवासी

(ख) विद्यमान अनिवासी

उप जोड़

*केवल सुसंगत विशिष्टियों को ही जो कम्पनी को लागू हैं देने की आवश्यकता है ।

1	2	3	4	5
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(ii) फर्म आबंटन

- (क) विदेशी सहायक
 - (ख) संप्रवर्तक, निदेशक, उसके मित्र और नातेदार
 - (ग) वित्तीय संस्थाएँ††
 - (घ) केन्द्रीय और राज्य सरकारें
 - (ङ) दलाल और नीचे मद (iii) (प) से भिन्न निम्नांकक
 - (च) विद्यमान अंशधारी और अन्य व्यक्ति
-

उप-जोड़

(iii) प्रशिक्षणियों द्वारा साधारण पब्लिक प्रस्थापित अंशों का आबंटन

- (क) निदेशकों, प्रबन्ध-अभिकर्ताओं, सचिवों, और खजानापालों ।
- (ख) वित्तीय संस्थाएँ †††
- (ग) केन्द्रीय और राज्य सरकारें ।
- (घ) निम्नांकन बाध्यता के अधीन निम्नांकक ।
- (ङ) कम्पनी अधिनियम के अधीन रजिस्ट्रीकृत कम्पनियां ।
- (च) साधारण पब्लिक

(i), (ii), और (iii) का कुल जोड़ :—

(iv) उधार पूंजी

आस्तियों पर भार (प्रभार) के सृजन की तारीख और भार की रकम ।

††वित्तीय संस्थाओं के नाम, उदाहरणार्थ—लाइफ इन्शोरेन्स कारपोरेशन आफ इंडिया, इण्डस्ट्रियल फाइनेन्स कारपोरेशन आफ इंडिया इण्डस्ट्रियल क्रेडिट एण्ड इन्वेस्टमेंट कारपोरेशन आफ इंडिया तथा स्टेट फाइनेन्शियल कारपोरेशन, विनिधान (इन्वेस्टमेंट) या युनिट ट्रस्ट आदि पृथक्तः उपदर्शित किए जाने चाहिए ।

†††वित्तीय संस्थाओं के नाम, उदाहरणार्थ—लाइफ इन्शोरेन्स कारपोरेशन आफ इंडिया, इण्डस्ट्रियल फाइनेन्स कारपोरेशन आफ इंडिया, इण्डस्ट्रियल क्रेडिट एण्ड इन्वेस्टमेंट कारपोरेशन आफ इंडिया तथा स्टेट फाइनेन्शियल कारपोरेशन के नाम, विनिधान या युनिट ट्रस्ट (इन्वेस्टमेंट या युनिट ट्रस्ट्स) आदि पृथक्तः उपदर्शित किए जाने चाहिए ।

7—इस रिपोर्ट के अन्त तक खड़ी की गई कुल पूंजी —

	अभिदत्त	समादत्त	डिबेन्चर , उधार प्रादि
साम्या अंश
अधिमान अंश

रिपोर्ट निवेदित करने वाले व्यक्ति
के हस्ताक्षर

टिप्पण :—(i) रिपोर्ट, प्रस्थापना की विवरणी के अनुसार पुरोधृत पूंजी के बारे में की जानी चाहिए। रिपोर्ट प्रत्येक चौथाई जैसे 31 मार्च, 30 जून, 30 सितम्बर और 31 दिसम्बर, के अन्त में फाइल की जानी चाहिए जब तक कि पूंजी पूर्णतः अभिदत्त और समादत्त न की गई हो। (ii) उस लेखा वर्ष के जिसमें पूंजी पूर्णतः अभिदत्त और समादत्त की गई है, तुलनपत्र और लाभ तथा हानि के लेखा की एक प्रति फाइल की जानी चाहिए। यदि पुरोधृत पूंजी पूर्णतः अभिदत्त और समादत्त की गई है तो पश्चात्कर्त्त रिपोर्टों के भेजने की आवश्यकता नहीं है। तुलनपत्र और लाभ तथा हानि के लेखे फाइल करने के तत्पश्चात् कोई रिपोर्ट भेजने की आवश्यकता नहीं है।

[सं०फा० 2(6)—सी०सी०आई० 66]

एम० के० बेनकटाचल्म,

नियंत्रक, पूंजी पुरोधरण।

(Department of Revenue and Insurance)

INCOME-TAX

New Delhi, the 7th March 1969

S.O. 1174.—It is hereby notified for general information that the institution mentioned below has been approved by the Indian Council of Medical Research, the "prescribed authority" for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (43 of 1961):

INSTITUTION

Society for the Rehabilitation of Physically Handicapped and Mentally Backward (Regd.), New Delhi.

[No. 16/F. No. 10/95/68-IT(A.II).]

J. C. KALRA, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 30th December 1968

S.O. 1175.—In exercise of the powers conferred by sub-section (1) of section 122 of the Income-tax Act, 1961 (43 of 1961) and of all other powers enabling

it in that behalf, the Central Board of Direct Taxes hereby makes the following amendments in the schedule appended to its Notification No. 101/F. No. 50/7/68-ITJ dated the 11th October, 1968 namely,—

In the said Schedule against J-Range, K-Range and S-Range, Bombay, under column 2 the following shall be substituted :—

J-Range, Bombay	Company circle III (1), III (2), III (3), III (4), III (5) III (6) and III (7).
K-Range, Bombay	A-III Ward and Company Circles III (8) to III (15).
S-Range, Bombay	Market Ward, Company Circles IV (10) to IV (16) and X-Ward.

This notification shall take effect from 1st January, 1969.

Explanatory Note

The amendment have become necessary for assigning appellate jurisdiction over the newly created X-Ward and for equalising the workload amongst the AACs.

(The above note does not form part of the notification, but is intended to be merely clarificatory).

[No. 138/F. No. 50/7/68-ITJ.]

S. V. SUBBA RAO, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

आयकर

नई दिल्ली, 30 दिसम्बर, 1968

एस० ओ० 1176.—आयकर अधिनियम, 1961 (1961 का 43) की धारा, 22 की उप-धारा (1) द्वारा प्रदत्त शक्तियों और इस निमित्त सशक्त करने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्षकर बोर्ड अपनी अधिसूचना सं० 101 (फा० सं० 50/7/68-आई० टी० जे०), तारीख 11 अक्टूबर, 1968 से अनुलग्न अनुसूची में निम्नलिखित संशोधन करता है, अर्थात् ।

उक्त अनुसूची के स्तम्भ 2 में जे-रेन्ज, के-रेन्ज और एस-रेन्ज, मुम्बई के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा ;

जे-रेन्ज, मुम्बई कम्पनी सर्किल 3 (1), 3 (2), 3 (3), 3 (4), 3 (5), 3 (6) और 3 (7)

के-रेन्ज, मुम्बई ए-3 वार्ड और कम्पनी सर्किल 3 (8) से 3 (15) तक

एस-रेन्ज, मुम्बई बाजार वार्ड, कम्पनी सर्किल 4 (10) से 4 (16) तक और 10-वार्ड

यह अधिसूचना 1 जनवरी, 1969 से प्रभावी होगी ।

स्पर्धकरणा टिप्पण :

ये संशोधन, नये सृजित 10-बाई पर अरोली अधिकारिक समनुदेशित करने और ए० सी० में कार्यभार बराबर करने के लिए आवश्यक हो गए हैं।

(उक्त टिप्पण अधिसूचना का भाग नहीं है, किन्तु केवल स्पष्टीकरण के लिए आश्रीयत है)

[सं० 138 (पत्र सं० 50/7/68-आई०टी०जे०)]

एस० बी० सुब्बाराव,

अवर सचिव, केन्द्रीय प्रत्यक्षकर बोर्ड ।

ESTATE DUTY

New Delhi, the 18th February 1969

S.O. 1177.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (Act XXXIV of 1953) and in partial modification of its Notification No. 24/F. No. 21/35/64-E.D. dated the 11th May, 1964 published as S.O. 1726 in Part II, Section 3(ii) of the Gazette of India dated the 23rd May, 1964, the Central Board of Direct Taxes hereby directs that for the words "revenue districts of Madhurai, Ramanathapuram, Tirunelveli and Kanyakumari of the Madras State" occurring at the end of the first paragraph of the said notification, the following words shall be substituted, namely:—

"revenue districts of Madhurai, Ramanathapuram, Tirunelveli and Kanyakumari of the Tamil Nadu".

2. This notification shall be deemed to have come into force from the 14th January, 1969.

Explanatory Note

[This note does not form a part of the notification but is intended to be merely clarificatory.]

This notification has become necessary due to change in the name of Madras State as Tamil Nadu with effect from 14th January, 1969.

[No. 21/F. No. 21/10/69-E.D.]

S.O. 1178.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953 (Act XXXIV of 1953) and in partial modification of its Notification No. 25/F. No. 21/35/64-E.D. dated the 11th May, 1964 published as S.O. 1727 in Part II, Section 3(ii) of the Gazette of India dated the 23rd May, 1964, as amended by its Notification No. 23/F. No. 21/144/65-E.D. dated the 12th November, 1965, the Central Board of Direct Taxes hereby directs that for the words "revenue districts of Salem, Dharmapuri, Nilgiris and Coimbatore of the Madras State" occurring at the end of the first paragraph of the said notification, the following words shall be substituted, namely:—

"revenue districts of Salem, Dharmapuri, Nilgiris and Coimbatore of the Tamil Nadu".

2. This notification shall be deemed to have come into force from the 14th January, 1969.

Explanatory Note

[This note does not form a part of the notification but is intended to be merely clarificatory.]

This notification has become necessary due to change in the name of Madras State as Tamil Nadu with effect from 14th January, 1969.

[No. 22/F. No. 21/10/69-E.D.]

S.O. 1179.—In exercise of the powers conferred by the second proviso to sub-section (2) of Section 4 of the Estate Duty Act, 1953, (Act XXXIV of 1953) and in partial modification of its Notification No. 26/F. No. 21/35/64-E.D. dated the 11th May, 1964 published as S.O. 1728 in Part II, Section 3(ii) of the Gazette of India dated the 23rd May, 1964, the Central Board of Direct Taxes, hereby directs that for the words "revenue districts of North Arcot, South Arcot, Chingleput, Tiruchirapalli and Thanjavur of the Madras State and the territories of Pondicherry and Karaikal in the Union territory of Pondicherry" occurring at the end of the first paragraph of the said notification the following words shall be substituted, namely:—

"revenue districts of North Arcot, South Arcot, Chingleput, Tiruchirapalli and Thanjavur of the Tamil Nadu and the territories of Pondicherry and Karaikal in the Union territory of Pondicherry".

2. This notification shall be deemed to have come into force from the 14th January, 1969.

Explanatory Note

[This note does not form a part of the notification but is intended to be merely clarificatory.]

This notification has become necessary due to change in the name of Madras State as Tamil Nadu with effect from 14th January, 1969.

[No. 23/F. No. 21/10/69-E.D.]

S. BHATTACHARYYA,

Secy., Central Board of Direct Taxes.

OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE, LUCKNOW
SHOW CAUSE NOTICE

Lucknow, the 14th March 1969

S.O. 1180.—Whereas Radiant yarn referred to in the allegations enumerated in the enclosed Annexure appears to be liable to confiscation under Section 111 of the Customs Act, 1962.

And whereas the owner concerned in view of the allegations contained in the said Annexure appears to be liable to penalty under Section 112 of the Customs Act, 1962.

Now, therefore, the owner concerned is hereby required to explain the matter and show cause to the Assistant Collector of Central Excise, Lucknow in writing within one month of the date of issue of this Notice why 410 reels of Radiant yarn of Japanese origin valued at Rs. 4,100/- should not be confiscated under Section 111(d) read with section 123(2) of the Customs Act, 1962 and why he should not be penalized under section 112(b) of the same Act.

The owner concerned should produce at the time of showing cause all the evidence upon which he intends to rely in support of his defence. He should also indicate in the written explanation whether he does not wish to be heard in person before the case is adjudicated.

If no cause is shown against the action proposed to be taken within one month of the issue of this notice or the owner concerned does not appear before the adjudicating officer when the case is posted for hearing, the case will be decided ex-parte on its merits.

ANNEXURE

On 10th November, 1968 the Inspector of Central Excise, Gauripahana on receipt of an information that some contraband goods were kept concealed at a place near Dingania Railway station took a round of that area alongwith his sepoy. After searching for an hour found a bedding lying in a bush. The said bedding was got opened in the presence of two independent witnesses and 341 Reels of Radiant yarn (white) and 69 Reels of Radiant yarn of Golden Colour, made in Japan valued at Rs. 4,100/- were recovered from it. No one came forward to claim the said goods. As such 410 Reels of Radiant yarn of Japanese origin were seized by the Inspector of Central Excise in the reasonable belief that they have been brought into India in contravention of Import regulation and section 111 of the Customs Act, 1962.

2. The import of the above goods is prohibited (except under a licence) under Section 3 of the Import and Export (Control) Act, 1947 as read with clause 3 of the Import (Control) orders 1955.

3. The aforesaid prohibition has been in force for a large number of years and the policy of issuing licences has been extremely restricted.

4. The seized Radiant yarn is dutiable.

[C. No. 557-VIII(Cus)(15)Seiz/68/4147.]

B. K. DOSHI,

Assistant Collector, Central Excise, Lucknow.

MINISTRY OF FOREIGN TRADE AND SUPPLY

New Delhi, the 13th March 1969

S.O. 1181.—In exercise of the powers conferred by the proviso to sub-section (1) of section 12 of the Textiles Committee Act, 1963 (41 of 1963), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Commerce S.O. No. 413, dated the 28th January, 1966, namely :—

In the said notification, for the words and brackets "in respect of all or any of the services (referred to in that sub-section)", the words, brackets and letters "in respect of the services referred to in clause (a) and clause (b) of the said sub-section" shall be substituted.

[No. F. 18(19)-Tex(A)/68.]

H. K. BANSAL, Dy. Secy.

द्विवेशी व्यापार तथा आपूर्ति मंत्रालय

(द्विवेशी व्यापार विभाग)

नई दिल्ली, 13 मार्च, 1969

फा० आ० 1182.—वस्त्र समिति अधिनियम, 1963 (1963 का 41) की धारा 12 की, उपधारा (1) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद् द्वारा भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना फा० आ० सं० 413, तारीख 28 जनवरी, 1966 में निम्नलिखित संशोधन करती है, अर्थात् —

उक्त अधिसूचना में 'उन सभी या किन्हीं सेवाओं के बारे में (जो उस उपधारा में निर्दिष्ट हैं)' शब्दों और कोष्ठकों के लिए "उन सभी या किन्हीं सेवाओं के बारे में जो उक्त उपधारा के खण्ड (क) और खण्ड (ख) में निर्दिष्ट हैं" शब्द, कोष्ठक और अक्षर प्रतिस्थापित किए जायेंगे।

[सं० फा० 18(19)-वस्त्र (क)/68]

एच० के० बंसल,

उप-सचिव, भारत सरकार।

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 15th March 1969

S.O. 1183.—Shri Harcharan Singh Hari was granted Customs Clearance Permit No. P/J/2365188/N/MC/30/H/27-28 dated 13th January, 1969 for Rs. 12,000/- for

import of 1962 Mercedes Benz 190C car. He has applied for duplicate of the Customs Clearance Permit on the ground that the original customs clearance permit has been misplaced. It is further stated that the original customs clearance permit was not registered with any customs House and not utilized.

In support of this contention Shri Harcharan Singh Hari has filed an affidavit. He has undertaken to return the original customs clearance permit if traced later to this office for records. I am satisfied that the original customs clearance permit No. P/J/2385186/N/MC/30/H/27-28 dated 13th January, 1969 has been lost and direct that a duplicate customs clearance permit should be issued to him.

The original customs clearance permit may be treated as cancelled.

[No. F. 2(B-396)/67-68/BLS/6137.]

P. C. NANDA.

Dy. Chief Controller of Imports and Exports.

(Office of the Jt. Chief Controller of Imports & Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 11th March 1969

S.O. 1184.—Licences Nos: (1) P/SS/1608508/C/XX/25/CD/23-24 dated 7th November, 1967 for Rs. 2674/- for import of Copper, Zinc, Tin and Lead;

(2) P/SS/1607022/C/XX/25/CD/23-24 dated 20th July, 1967 for Rs. 1850/- for import of Facial and Toilet Tissue Paper were issued to M/s. Bharat Stationery Udyog, 2-Rural Industrial Estate, Banur, Distt. Patiala subject to the condition that all the items of the goods imported under it shall be used only in licence holder's factory at the address shown in the application against which the licence is issued but no portion thereof shall be sold to any other party or utilised or permitted to be used in any other manner.

2. Thereafter, a show cause notice No. B-19/67-ENF/CLA/604 dated 27th April, 1968 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the Central Government is satisfied that the licences will not serve the purpose for which these were granted in terms of Clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 as amended.

3. In response to the aforesaid show cause notice, M/s. Bharat Stationery Udyog, 2-Rural Industrial Estate, Banur, Distt. Patiala had, by their letter dated 10th May, 1968 furnished a detailed explanation. In their reply the firm contended that their unit had been lying closed due to paucity of funds, non-availability of raw-material and labour troubles etc.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the reasons given by the party are not based on facts.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, sub-clause (cc) of the Imports (Control) Order 1955 hereby cancel the licences Nos. P/SS/1608508/C/XX/25/CD/23-24 dated 7th November, 1967 and P/SS/1607022/C/XX/25/CD/23-24 dated 20th July 1967 issued in favour of M/s. Bharat Stationery Udyog, 2-Rural Industrial Estate, Banur, Distt. Patiala.

[No. B-19/67/ENF/CLA-12598.]

M/s. Bharat Stationery Udyog,
2-Rural Industrial Estate,
Banur, Distt. Patiala.

New Delhi, the 12th March 1969

S.O. 1185.—M/s. Ellora Electronics, D-1/3, Model Town, Delhi-9 were granted Import Licence No. P/S/1612405/C/XX/29/D/25-26 dated 26th November, 1968 for import of Permissible Components of Radios as per policy indicated in para 1 of Annexure to Public Notice No. 224-ITC(PN)/68 dated 1st October, 1968. They have applied for a duplicate exchange control copy of the said licence on the ground that original exchange control copy of the licence has been lost/misplaced without having been utilised.

2. In exercise of the powers conferred on me, under clause 9(cc) Imports (Control) Order, 1955, dated 7th December, 1955, as amended up to date, I order cancellation of the exchange control copy of the Import Licence No. P/S/1612405/C/XX/29/D/25-26 dated 26th November, 1968.

3. On completion of the required formalities the applicant will be issued a duplicate copy of the exchange control copy of the said import licence, in accordance with para 299(2), I. T. C. Hand Book of Rules and Procedure, 1968.

[No. E-9/AM-69/AU-UT/C.L.A./nu/2825.]

New Delhi, the 13th March 1969

S.O. 1186.—M/s. Ashoka Paint and Chemical Works 37/1, Gandhinagar, Shahdara-Delhi were granted an import licence No. P/S/1611881/C/XX/28/D/25-26 dated 30th July, 1968 for the import of (i) Titanium Dioxide, (ii) Permissible Pigment Dyestuff and (iii) P. G. Red Oxide on General Area for Rs. 2,698/- (Rs. Two thousand, six hundred and ninety eight only). They have applied for the issue of duplicate Customs Purpose Copy of the licence on the ground that Customs Purpose Copy of the licence has been misplaced without having been registered with any Custom House.

2. The applicants have filed an affidavit on stamped paper in support of their contention as required under para 299(2) read with Appendix 8 of the I. T. C. Hand Book of Rules and Procedure, 1968. I am satisfied that the original Customs Purpose Copy of the Licence has been misplaced and

3. In exercise of the powers conferred on me under clause 9(cc) Imports (Control) Order, 1955 dated 7th December, 1955 as amended up-to-date, I order cancellation of Customs Purpose Copy of licence No. P/S/1611881/C/XX/28/D/25-26 dated 30th July, 1968.

4. The applicants case will now be considered for issue of a duplicate Customs Copy of the said licence in accordance with para 299(2) of I. T. C. Hand Book of Rules and Procedure, 1968.

[No. F. A-40/AM-68/AU-UT/CLA/2876.]

S.O. 1187.—M/s. Shri Narayan Celluloid Industries, Kabutraon Ka Chowk, Jodhpur (Rajasthan) were granted an import licence No. P/SS/1610164/CD/XX/25/CD/25/26 dated 8th March, 1968 for the import of (1) C.A. Film scrap (2) C.A. Butryate in powder (3) C.N. Sheet (4) Diacetone (5) Butter Paper (6) A.P. Sheets (7) Polythylene Moulding Powder (High and Low Density) (8) Polystyrene on Rupee Payment Area for Rs. 25,922/- (Rupees Twenty five thousand nine hundred and twenty two only). They have applied for the issue of duplicate copy of the licence for exchange control purposes only on the ground that original exchange control copy of the licence has been lost/misplaced without having been utilized and without having been registered with any Customs House.

2. The applicants have filed an affidavit on stamped paper in support of their contention as under para 299(2) read with appendix 8 of the I.T.C. Hand Book of Rules and Procedure, 1968. I am satisfied that the original Exchange Control copy of the said licence has been lost/misplaced, and

3. In exercise of the powers conferred on me under Clause 9(CC) Imports (Control) order, 1955 dated 7th December, 1955 as amended up to date, I order cancellation of exchange control copy of Licence No. P/SS/1610164/C/XX/25/CD/25-26 dated 8th March, 1968.

4. The applicants are now being issued a duplicate copy for exchange control purposes of the said import licence in accordance with para 299(2) of I.T.C. Hand Book of Rules and Procedure, 1968.

[No. F. S-31/Raj/AM68/AU.HRH/CLA/4121.]

J. S. BEDI, Jt. Chief Controller.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Mines and Metals)

New Delhi, the 12th March 1969

S.O. 1188.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (32 of 1958), the Central

Government hereby appoints the officers mentioned in column (1) of the Table below to be estate officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on estate officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column (2) of the said Table.

TABLE

Designation of officers	Categories of public premises and local limits of jurisdiction.
1	2
1. Chief of Administration and Revenue. National Coal Development Corporation Ltd., Darbhanga House, Ranchi, Bihar.	All the premises belonging to or under the control of the National Coal Development Corporation in the States of Bihar, Orissa, Madhya Pradesh and Maharashtra.
2. Areas General Manager (Karanpura, National coal Development Corporation Ltd., P. O. Barkakana, District Hazaribagh, Bihar.	In respect of the premises known as Gidi 'A', Saunda, Gidi 'C', Nadiatoli, Chano-Rikba, Bachra, Sayal 'A' and 'D', Chordhara, Ramgarh, Patratu, Argada, Bhurkunda Projects/Collieries and Barkakana Workshops in the district of Hazaribagh (Bihar).
3. Area General Manager (B and K). National Coal Development Corporation Limited, P. O. Kargali, District Hazaribagh, Bihar.	In respect of the premises known as Kathara, Kargali, Eckaro, Jaranadih Swan, Chalkari Dhori, Anapani, Uchitdi, Govindpur Drift Mire, Pundi, Loyo collierie, projects in the district of Hazaribagh (Bihar).
4. Area General Manager (Giridih), National Coal Development Corporation Limited, P. O. Giridih, District Hazaribagh, Bihar.	In respect of the premises known as Giridih collieries.
5. Additional Area General Manager (Central Jharia), National Coal Development Corporation Ltd., P. O. Sudamdih, District Dhanbad, Bihar.	In respect of the premises known as Sudamdih Monidih, Kapuria collieries/projects in the district of Dhanbad (Bihar).
6. Additional Area General Manager (Talcher), National Coal Development Corporation Limited, P. O. Dera Colliery, District Dhenkanal, Orissa.	In respect of the premises as Talcher Deulbera, South Balanda, Nandira, Jagannath and Dera collieries/projects in the district of Dhenkanal (Orissa).
7. Area General Manager (Korba) National Coal Development Corporation Limited, P. O. Korba, District Bilaspur, (Madhya Pradesh).	In respect of the premises known as Korba, Manikpur, Surachar, Ghordawa, Banki, Kosmanda and Rajgamar collieries projects in the district of Bilaspur (M.P.).
8. Area General Manager (Nagpur) National Coal Development Corporation Limited, P. O. Umrer, District Nagpur, Maharashtra.	In respect of the premises known as Silewara and Umrer collieries in the district of Nagpur (Maharashtra) and Patharkhera colliery in the district of Betul (Madhya Pradesh).
9. Area General Manager (Singrauli), National Coal Development Corporation Limited, P. O. Waidhan, District Sidhi (M.P.)	In respect of the premises known as Singrauli and Jhirguda collieries/projects in the district of Sidhi (Madhya Pradesh).
10. Additional Area General Manager (Baikunthpur), National Coal Development Corporation Limited, P. O. Baikunthpur, District Surguja, M.P.	In respect of the premises known as Kuresia, Sonawani (Korea II), Korea I and Duman Hill collieries/projects in the district of Surguja (Madhya Pradesh) and Jamuna (Kotma), Bijuri collieries/projects in the district of Sahdol (M. P.) and Area General Manager's Office at Baikunthpur in the district of Surguja (Madhya Pradesh).

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11. Additional Area General Manager (Bishrampur) National Coal Development Corporation Limited, P. O. Bishrampur, District Surguja, (M.P.) In respect of the premises known as Bishrampur, Churha (Sonhat) and Katkona collieries/projects in the district of Surguja (M.P.)

[No. C2-19(48)/68.]

M. S. K. RAMASWAMI, Dy. Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

New Delhi, the 14th March 1969

S.O. 1189.—Reference erstwhile Ministry of Commerce and Industry Resolution No. ME.Ind.15(15)/60 dated 27th March, 1961 constituting a Committee for developing manufacture of Marine Fishing Craft in India.

2. It has been decided that Shri V. G. Damle, Messrs AFCO Ltd., Bombay shall be a Member of the Boats and Crafts Committee vice Mr. G. R. Adams, since retired.

[No. 7-2/69-MEI.]

I. V. CHUNKATH, Under Secy.

औद्योगिक विकास, आन्तरिक व्यापार तथा समवाय-कार्य मंत्रालय

(औद्योगिक विकास विभाग)

नई दिल्ली, 14 मार्च, 1969

एस० ओ० 1190—भूतपूर्व वाणिज्य तथा उद्योग मंत्रालय के संकल्प सं० एम० ई० खण्ड 15(15)/60 दिनांक 27-3-61 के संदर्भ में जो देश के समुद्रों में मछली पकड़ने वाले बेड़ों के निर्माण का विकास करने के लिए एक समिति गठित करने के सम्बन्ध में है।

2. निश्चय किया गया है कि श्री जी० आर० एडम्स के स्थान पर जो सेवा निवृत्त हो चुके हैं श्री वी० जी० डामले, मे० एफ को लि० बम्बई नाव तथा बेड़ा समिति के सदस्य होंगे।

[सं० 7-2-69-एम० ई० आई०]

आई० वी० चुनक्त,
अवर सचिव।

(Department of Industrial Development)


(Indian Standards Institution)

New Delhi, the 14th March 1969

S. O. 1191.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standard's Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 24 February 1969:

THE SCHEDULE

Sl. No.	Design of the Standard mark	Product/Class of product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
I	2	3	4	5
1.	IS:3790 	Hessian bags	IS:3790-1966 Specification for hessian bags	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2), the number designation of the Indian Standard being superscribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

(DR.) A. K. GUPTA,

Deputy Director General.

MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT

(Department of Works, Housing and Urban Development)

New Delhi, the 17th March 1969

S.O. 1192.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act 1958 (32 of 1958), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being the officer equivalent to the rank of a gazetted officer of Government to be an Estate Officer for the purposes of the said Act, and the said officer shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

(1)	(2)
Name & Designation of the Officer	Categories of Public Premises and local limits of jurisdiction
Shri J. Durai Raj, Managing Director, Hindustan Housing Factory Limited, New Delhi	Public premises owned or acquired or hired by the Hindustan Housing Factory Limited, New Delhi.

[No. F. 21012(3)/69-Pol.IV.]

T. K. BALASUBRAMANIAN,

Dy. Director of Estate and Ex-Officio Under Secy.

(Department of Health and Urban Development)

ORDER

New Delhi, the 18th March 1969

S.O. 1193.—Whereas by the notification of the Government of India in the late Ministry of Health No. 17-2/60-MI dated the 22nd April, 1960, the Central

Government has directed that the Medical qualification "M.D. (Pennsylvania, U.S.A.) shall be recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. (Miss) Helen C. Lalinsky who possesses the said qualification is for the time being attached to the Holy Family Hospital, New Delhi for the purposes of charitable work.

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies a period ending on the 31st December, 1969, or the period during which Dr. (Miss) Helen C. Lalinsky is attached to the said Holy Family Hospital, New Delhi whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. F. 19-5/69-MPT.]

K. DEO, Under Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 15th March 1969

S.O. 1194.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 3th March, 1960, the Director-General, Posts and Telegraphs, hereby specifies the 1st April, 1969 as the date on which the Measured Rate System will be introduced in KHARAR Telephone Exchange, Punjab Circle.

[No. 5/9/69-PHB(5).]

D. R. BAILL,

Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली 15 मार्च 1969

स्थायी आदेश क्रम संख्या 1195.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तारनियमों के नियम 434 के खण्ड 111 के पैरा (क) के अनुसार डाक-तार महानिदेशक ने खारार टेलीफोन केन्द्र में 1-4-69 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[नं० 5-9/69-पी० एच० बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०) ।

MINISTRY OF SHIPPING AND TRANSPORT

New Delhi, the 20th March 1969

S.O. 1196.—In exercise of the powers conferred by section 3 of the Jayanti Shipping Company (Taking over of Management) Act, 1966 (24 of 1966), the Central Government hereby appoints Shri R. Prasad, Secretary, Department of Company Affairs, as Member of the Board of Control with immediate effect and makes the following further amendment in the notification of the Government

of India in the Ministry of Transport and Aviation, Department of Transport, Shipping and Tourism (Transport Wing), No. S.O. 1781, dated the 10th June, 1968, namely:—

In the said notification, after S. No. 2 and the entry relating thereto, the following shall be inserted, namely:—

"3. Shri R. Prasad, Secretary, Department of Company Affairs."

[No. 32-MD(2)/69.]

B. P. SRIVASTAVA, Dy. Secy.

OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION

New Delhi, the 19th March 1969

S.O. 1197.—In pursuance of sub-rule (1) of rule 78B of the Aircraft Rules, 1937, the Director General of Civil Aviation hereby notifies for the purposes of the said sub-rule the following Government aerodromes, namely:—

- (a) Bombay (Santacruz);
- (b) Calcutta (Dum Dum);
- (c) Delhi (Palam);
- (d) Madras (Meenambakkam).

[No. 22/21/63-SII.(1).]

ORDER

New Delhi, the 19th March 1969

S.O. 1198.—In pursuance of sub-rule (3) of rule 78B of the Aircraft Rules, 1937, the Director General of Civil Aviation hereby specifies—

- (a) that the passenger service fee shall be collected in special adhesive stamp issued by the Central Government in this behalf (hereinafter referred to as the passenger service fee stamp) which shall be paid for in Indian currency;

(b) that—

- (i) the officer in charge of the Aerodrome concerned or any officer authorised by him in writing, or
 - (ii) the airline operator or any officer or employee of such operator, authorised by such operator in writing,
- shall collect the passenger service fee from every passenger before he leaves India;

(c) that—

- (i) the officer in charge of the Aerodrome concerned or any officer authorised by him in writing, or
 - (ii) the airline operator or any officer or employee of such operator, authorised by such operator in writing,
- shall issue special adhesive stamp issued by the Central Government in this behalf (hereinafter referred to as the exemption stamp) to every person who is exempt under sub-rule (5) of rule 78B of the Aircraft Rules, 1937, from the payment of passenger service fee;

(d) that every passenger shall, before embarking on an aircraft at a Government Aerodrome notified in this behalf, present the passenger service fee stamp or the exemption stamp, as the case may be, to the immigration authorities who shall, on being satisfied that such stamp is in order, deface such stamp by affixing their stamp thereon;

(e) that the passenger service fee stamp or the exemption stamp, as the case may be, shall on demand by any gazetted officer of the Civil Aviation Department, be produced by the passenger for inspection by such officer.

[No. 22/21/63-SII-(1).]

G. C. ARYA,

Director General of Civil Aviation.

MINISTRY OF EDUCATION*New Delhi, the 17th March 1969*

S.O. 1199.—In exercise of the powers conferred by sub-section (2) of section 3 of the Provident Funds Act (19 of 1925), the Central Government hereby directs that the provisions of the said Act shall apply to the Contributory Provident Fund and General Provident Fund established for the benefit of the employees of the National Council of Educational Research and Training, New Delhi, with effect from 1st September, 1961.

This supersedes Notification No. S.O. 3853, published on the 17th October, 1968.

[No. F.1-17/68-NCERT.]

S. P. JAIN, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING**ORDER***New Delhi, the 15th March 1969*

S.O. 1200.—In pursuance of the directions issued under the provisions of each of the enactments specified in the First Schedule annexed hereto, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in Gujarati to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-Section 4 of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).

(2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XVII of 1953).

(3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35 mm	Name of the Applicant	Name of the Producer	Whether a Scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film
1	Mahitichitrya No. 105	265·18M	Director of Information Government of Gujarat, Ahmedabad—15.	Film with and current events (For release in Gujarat Circuit only)	

[No. F. 24/1/69-FP App. 1338.]

BANU RAM AGGARWAL, Under Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**(Department of Labour and Employment)***New Delhi, the 18th March 1969*

S.O. 1201.—The following draft of a scheme further to amend the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of Section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all Persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 12th April, 1969.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Vizagapatam Dock Workers (Regulation of Employment) Amendment Scheme, 1969.

2. In the title of the Vizagapatam Dock Workers (Regulation of Employment) Scheme, 1959 (hereinafter referred to as the said Scheme), for the word 'Vizagapatam' the word 'Visakhapatnam' shall be substituted.

3. In the said Scheme for the word "Vizagapatam" wherever it occurs, the word "Visakhapatnam" shall be substituted.

[No. 50/16/68-Fac.II.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)*New Delhi, the 18th March 1969*

S.O. 1202.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the 1/12 and 2/12 Inclines of Kendwadiah Colliery, Post Office Kusunda, District Dhanbad of Messrs East Indian Coal Company Limited and Messrs G. S. Atwal and Company (Asansol) and their workmen, which was received by the Central Government on the 12th March, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD**PRESENT**

Shri Nandagiri Venkata Rao, Presiding Officer

REFERENCE No. 231 OF 1967

In the matter of an industrial dispute under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the 1/12 and 2/12 Inclines of Kendwadiah Colliery (Post Kusunda) District Dhanbad of Messrs East Indian Coal Company Limited and Messrs G. S. Atwal & Company (Asansol) its raising & Selling Agents

AND

Their workmen.

APPEARANCES:

On behalf of employers No. 1.—Shri S. S. Mukherjee, Executive Committee Member, Raniganj Chamber of Commerce.

On behalf of employers No. 2.—Shri B. K. Lath, Labour Adviser.

On behalf of the workmen—Shri Lalit Burman, General Secretary, Bihar Koyala Mazdoor Sabha.

STATE: Bihar

INDUSTRY: Coal.

Dhanbad, 5th March, 1969/14th Phalgun, 1890 (Saka)

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the 1/12 and 2/12 Inclines of Kendwadhi colliery (Post Kusunda) District Dhanbad of Messrs East Indian Coal Company Limited and Messrs G. S. Atwal & Company (Asansol) its raising & Selling Agents and their workmen, by its order No. 2(46)/67-LRII dated 26th May 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

"Whether the management of 1/12 and 2/12 Inclines of Kendwadhi colliery (Post Kuhunda, District Dhanbad) of Messrs East Indian Coal Company Limited and Messrs G. S. Atwal & Co., (Asansol) its raising and Selling Agents were justified in rendering idle all the weekly paid workmen excepting the wagon loaders, shale pickers and pump khalasis employed at the inclines referred to above with effect from the 2nd shift of the 7th December, 1966, all wagon loaders and shale pickers with effect from the 25th December, 1966, and the monthly paid workmen whose names are given in Annexure I with effect from the respective dates shown against their names and in subsequently terminating the services of all weekly paid workmen excepting pump khalasis, and all monthly paid workmen excepting those whose names are given in Annexure II with effect from the 7th March, 1967?

ANNEXURE I

Name of the monthly paid workmen who have been rendered idle	Designation	Date from which rendered idle
1. Sri Jagraj Singh Sidhu	Tub Checker	2nd shift of 7-12-66
2. Sri Malkit Singh	Do.	Do.
3. Sri Bachu Prasad Singh	Do.	Do.
4. Sri S.C. Hazra	Do.	Do.
5. Sri Brahmdeo Prasad	Do.	Do.
6. Sri Lakhbir Singh	Do.	Do.
7. Sri N. B. Das	Electrician	1-1-67
8. Sri Lachman Mahato	Do.	1-1-67
9. Sri Soukhi Prasad	Do.	1-1-67
10. Sri Md.Ibrahim	Fitter	1-1-67
11. Sri Gulab Prasad	Loading Clerk	1-1-67
12. Sri Sarjit Singh	Incharge	1-1-67
13. Sri R. S. Sangha	Do.	1-1-67
14. Sri Bhagwati Shaw	Mistry	1-1-67
15. Sri S. C. Bhowmik	Office Clerk	1-2-67
16. Sri R. P. Sinha	Do.	1-2-67
17. Sri A.S. Chawla	Attendance Clerk	1-2-67
18. Sri T. N. Yadav	Do.	1-2-67
19. Sri K. N. Chatterjee	Do.	1-2-67

ANNEXURE II

Names of the workmen who are still working	Designation
1. Sri Md. Ibrahim	Fitter.
2. Sri Sarjit Singh	Incharge.
3. Sri R.S. Sangha	Do.
4. Sri Bhagwati Shaw	Mistryworking as Peon.
5. Sri N. B. Das	Electrician.
6. Sri G.D.Mukherjee	Bill Clerk.
7. Sri J. K. Chakraborty	Office Superintendent.
8. Sri M.R. Banerjee	Bonus Clerk.
9. Sri Kashmir Singh	Watchman.
10. Sri Tripurari Gonsai	Do.
11. Sri Chakradhari Lal	Do.
12. Sri Shiva Narain Rout	Do.
13. Sri Bin Bahadur	Do.
14. Sri Bir Bahadur	Do.
15. Sri Kapildeo Singh	Do.
16. Sri Parshu Ram Roy	Do.
17. Sri Gur Bachan Singh	Do.

If not, to what relief are the workmen concerned entitled?

2. Workmen as well as the employers filed their statements of demands.

3. The workmen were represented by Shri Lalit Burman, General Secretary, Bihar Koyala Mazdoor Sabha and employers No. 1, 1/12 and 2/12 Inclines of Kendwadih Colliery by Shri S. S. Mukherjee, Executive Committee Member, Raniganj Chamber of Commerce and employers No. 2, M/s. G. S. Atwal & Co. (Asansol) by Shri B. K. Lath, Labour Advisor. On 13th February, 1969 parties filed a compromise memo stating that the dispute involved in the reference was settled in terms of the compromise. The compromise memo was duly verified. The award is made in terms of the compromise and the compromise memo is made part of the award. The award is submitted under Section 15 of the Industrial Disputes Act 1947.

(Sd.) N. VENKATA RAO,
Presiding Officer.

BEFORE THE PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2,
DHANBAD

REFERENCE NO. 231 OF 1967

PARTIES

- Employers in relation to No. 1/12 and 2/12 Inclines of Kendwadih Colliery of M/s. East Indian Coal Co. Ltd. (hereinafter referred to as the Company).
- M/s. G. S. Atwal & Company (Asansol), Raising and Selling Agents,

AND

Their Workmen

represented by the Bihar Koyala Mazdoor Sabha.

Memorandum of Settlement

All the parties to the present proceedings have amicably settled the disputes involved in the present Reference on the terms hereinafter stated.

1. The workmen concerned in the present Reference, who were employees of M/s. G. S. Atwal & Company (Asansol) have been assured of employment under M/s. East Bulliaree/Kendwadih Colliery Company Private Ltd., the incoming employers in relation to the Inclines as and when—required according to the needs of the Inclines

2. M/s. G. S. Atwal & Company (Asansol), the ex-employers of the workmen concerned, have deposited the amount of Rupees one lakh ten thousand with M/s. East Bulliaree/Kendwadih Colliery Co. Pvt. Ltd. for payment to the workmen as per sheet submitted.

3. M/s. East Indian Coal Co. Ltd. here by agree to furnish to the Union with the detailed statement of accounts in respect of the employers' contributions and accumulations in the Coal Mines Provident Fund up-to-date.

4. The workmen shall no further claim against either M/s. East Indian Coal Co. Ltd. or M/s. G. S. Atwal & Company (Asansol) regarding the disputes mentioned in the Schedule to the present Reference or on any account whatsoever.

5. This settlement also resolves the disputes of all other workmen who are not involved in the present Reference but who have been paid off by M/s. G. S. Atwal & Company (Asansol) in accordance with this settlement.

6. The parties shall bear their respective costs of these proceedings.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept this terms of settlement and to give its award in terms thereof.

For the workmen

*For G. S. Atwal and
Company (Asansol)*

*For East Indian Coal
Company Limited*

(Sd.) LALIT BURMAN,
General Secretary

(Sd.) BHUPINDER SINGH ATWAL,

(Sd.) J. J. EVANS,
Chief Mining Engineer

Bihar Koyla Mazdoor Sabha,
Dhanbad.

(Sd.) Illegible

(Sd.) B. K. LATH,
Labour Adviser

(Sd.) S. S. MUKHERJEE

Witness: Illegible

SURINDER SINGH ATWAL

(Sd.) J. N. P. SARI

Dated 12th February, 1969.

ABSTRACT

Category of Workmen	No. of Workmen in 1/12 Incline.	No. of Workmen in 2/12 Incline	Total
1. Time Rated	64	46	110
2. Wagon Loaders	44	..	44
3. Trammers	57	31	88
4. Pick Miners	60	57	117
5. C. P./M. C. Loaders	37	2	65
6. Shale Pickers	18	..	18
TOTAL			442 Workmen

Plus—Office Staff &
Supervisory Staff (as men-
tioned in Page-1181)—15 Nos.

Seniority List of Time Rated workers

S. No.	Name	Designation	Date of Appointment
<i>No. 1/12 Incline—Kendwadih Colliery</i>			
1.	Shri Bachan Singh	H. E. Khalasi (Surface)	1-1-63
2.	Shri Jaldhari Bhuia	Do. (U.G.)	21-1-63
3.	Shri Munilal Rewani	Do. (Surface)	4-3-63
4.	Shri Sahajama Khan	Do. "	1-5-63
5.	Shri Motilal Rajak	Do. U.G.	26-8-63
6.	Shri Kashi Singh	Do. "	8-6-65
1.	Sri Manbhola Bowri	C. C. M. Driver	1-1-63
2.	Sri Anjoon Singh	Do.	1-12-64
3.	Sri Charan Singh	Do.	7-9-65
1.	Sri Bhikho Hazra	C. Mazdoor	28-7-64
2.	Sri Nibaran Singh	C. C. M. Mazdoor	28-7-64
3.	Sri Ajit Singh	Do.	24-12-64
4.	Sri Ram Prasad Dusadh	Do.	9-6-65
5.	Sri Taj Mohammad	Do.	27-4-66
1.	Sri Sukhram Pashi	Drill Mazdoor	1-1-63
2.	Sri Budhi Lal Pashi	Do.	1-1-63/66
3.	Sri Sri Ram Pashi	Do.	1-4-63
4.	Sri Kalidin Lodh	Do.	3-6-63
5.	Sri Pem Raj Nonia	Do.	9-9-63
6.	Sri Ram Raj Koiri	Do.	24-12-65
1.	Sri Mangal Singh	Line Mistry	9-7-62
2.	Sri Ramu Karmakar	Do.	5-8-63
3.	Sri Akber Khan	Do.	8-2-65
1.	Sri Badri Singh	Line Mazdoor	21-10-63
2.	Sri Gurucharan Karmakar	Do.	1-1-64
3.	Sri Lal Mahato	Do.	1-1-64
4.	Sri Munshi Singh	Do.	20-1-64
5.	Sri Falu Rana	Do.	7-3-63
6.	Sri Jagan Majhi	Do.	2-12-64
7.	Sri Banoo Mahato	Do.	2-12-64
1.	Sri Ram Khelwan Pashi	SHOT FIRER Mazdoor	27-5-63
2.	Sri Ram Lochan Koiri	Do.	1-1-64
3.	Sri Kanleshwar Sharma	Do.	2-12-64
4.	Sri Bishune Shaw	Do.	17-2-64
5.	Sri Akshoy Kumar Ghosh	Do.	23-12-65
6.	Sri Ramyad Singh No. 2.	Do.	25-12-65
1.	Sri Karan Singh No. 1.	TYNDAL	1-10-62
2.	Sri Nirmal Singh	Do.	1-1-64
3.	Sri Karan Singh No. 2	Do.	7-1-65
1.	Jagdish Saw	General Mazdoor.	4-1-63
2.	Kashi Mahato	Do.	22-4-63
3.	Rejak Mian	Do.	13-1-64
4.	Mathura Paswan	Do.	15-2-65
5.	Sadhu Charan Roy	Do.	15-2-65
6.	Dasarath Paswan	Stone Boy	15-2-65
7.	Durga Pada Dutt	General Mazdoor	2 months.
1.	Nuneswar Singh	Electric Helper	1-4-63
2.	Ganesh Pd. Dubey	Do.	15-4-66
1.	Jagdish Rewani	Pump Khalasi	13-1-63
2.	Manji Lal Rewani	Do.	4-3-63

L. No.	Name	Designation	Date. of Appointment
1.	Md. Islam	Fitter Helper	15-2-65
2.	Durjodhan Mistry	Black Smith	15-2-65
3.	Rameshwar Karmakar	Hammer-man	15-2-65
4.	Balai Kurmi	Do.	15-2-65
5.	Ram Prasad Paswan	Do.	12-1-65
1.	Ram Sunder Pashi	Looseman	2-7-62
2.	Nakul Gope	Do.	10-10-62
3.	Ram Prabesh Yadav	Do.	13-10-62
4.	Gulzar Khan	Do.	2-12-62
5.	Kesho Dusadh	Do.	2-12-62
6.	Moti Rabidas	Do.	21-6-63
7.	Shoo Ram Lodh No. 2.	Dresser	9-12-63
8.	Mana Thakur	Genl. Mazdoor.	1-1-63
9.	A. Raman Nair	Fan Attendant	23-6-65
<i>Incline No. 2/12.</i>			
1.	Mansha Ram Mahato	H. D. Khalasi (S)	31-1-63
2.	Chhatoo Mahato	Do.	8-1-63
3.	Hari pada Pandey	Do.	25-8-65
1.	Balgoo Jeswara	Drill Mazdoor	25-12-65
2.	Maniruddin Khan	Do.	4-1-66
3.	Alkoo Singh	Do.	15-1-66
1.	Mahabir Karmakar	Line Mistry	9-7-62
2.	Falal Mahato	Do.	2-12-64
3.	Lal Behari Lal	Do.	29-12-64
1.	Ram Sundar Rewani	Line Mazdoor	1-1-64
2.	Kedar Prasad	Do.	6-1-64
3.	Ram Charan Koiri	Do.	24-12-64
4.	Amrit Dusadh	Do.	27-12-65
1.	Sovan Ram Rewani	Prop. Mistry	9-7-62
2.	Gambhir Gope	Do.	1-1-63
3.	Dhanoo Mahato	Do.	13-7-63
4.	Jadu Mahato	Do.	15-7-63
5.	Ibrahim Mian	Do.	2-12-64
6.	Ganga Prasad Ahir	Do.	29-12-64
7.	Nakul Barhi	Do.	12-1-65
1.	Hickaran Singh	Shotfirer Mazdoor	30-7-63
2.	Nashir Khan	Do.	13-7-64
3.	Jhagroo Singh	Do.	18-12-64
4.	Ramesh Bhattacharjee	Do.	23-12-65
5.	Bir Bhusan Singh	Do.	27-12-65
1.	Sateb Sahani	Dresser	28-4-63
2.	Suleman Mian	Do.	25-12-65
3.	Gobind Tanti	Do.	27-10-66
4.	Sarjoo Pashi	Bailing Mazdoor	15-7-63
5.	Bhujohari Sarkar	Pump Khalasi	18-8-65
6.	Balgovind Yadav	Genl. Mazdoor	18-12-64
7.	Lilo Thakur	Do.	6-1-65
1.	Rambilash Thakur	Prop Mazdoor	1-1-63
2.	Rambrich Yadav	Do.	22-4-63
3.	Tahal Kumar	Do.	27-5-63
4.	Janki Singh	Do.	7-6-63
5.	Salim Mian	Do.	8-7-63
6.	Basant Ram Rewani	Do.	28-7-63
7.	Ganesh Thakur	Do.	28-7-63
8.	Ram Gullal Mali	Do.	12-8-63

S. No.	Name	Designation	Date of Appointment
9.	Premoo Rabidas	Prop Mazdoor	9-9-63
10.	Ram Prasad Gupta	Do.	16-12-64
11.	Pratap Singh	Do.	1-1-64
12.	Badhram Mahato	Do.	18-12-64
13.	Chaita Bowri	Do.	12-1-65
14.	Ruplal Shaw	Do.	12-1-65

*Kenduwadih Colliery 1/12 and 2/12 Inclines
Wagon Loaders.*

S. No.	Name	Date of Appointment
1	Soudagar Bhuia	1-1-63
2	Tulshi Kahar	"
3	Prayag Rajwar	"
4	Jamuna Bhuiya	"
5	Ganesh Dusadh	"
6	Mahabir Bhuia	"
7	Sonia Nuniain	"
8	Moti Bhuia	"
9	Jagnarayan Dusadh	"
10	Jagdish Bhuiya	"
11	Kauleshwari Noniain	"
12	Ramdas Yadav	7-1-63
13	Birja Nonia	"
14	Sarju Nonia	"
15	Rampati Nonia	8-1-63
16	Chamelwa Bhuini	"
17	Kouleshwar Bhuia	21-1-64
18	Kesho Bhuia No. 2	26-1-63
19	Sabujowa Bhuini	11-2-63
20	Parmeshwari Bhuini	"
21	Hazari Bhuia	13-2-1963
22	Baleshwar Bhuia	"
23	Sumantri Bhuini	"
24	Baldeo Bhuia	"
25	Kesho Bhuia No. 1.	9-4-63
26	Jaya Bhuini	24-4-63
27	Kari Bhuini	10-6-63
28	Gajadhar Bhuia	1-7-63
29	Patroo Bhuia	3-9-63
30	Sohagwa Bhuini	9-9-63
31	Magan Bhuia	10-9-63
32	Klshun Bhuia	"
33	Shyamal Rajwarin	1-1-64
34	Badri Bhuia	"
35	Nemo Bhuia	3-1-64
36	Kishori Thakur	"
37	Sonarwa Bhuini	4-1-64
38	Paro Bhuini	"
39	Gokul Bhuia	3-2-64
40	Tetri Noniain	12-2-64
41	Ram Bhajan Bhuia	11-7-64
42	Meghni Bhuini	18-7-64
43	Kauleshwar Mahato	26-12-64
44	Barho Bhuia	5-2-65
		14-11-65

Tramways No. 1/12 Incline.

S. No.	Name	Date of Appointment
1	Chhotelal No. 2	2-7-62
2	Chhotelal No. 3	"
3	Basarat Khan	9-7-62
4	Mangar Hari	1-10-62
5	Shivnath Harijan	"
6	Baleshwar Bhuian	"
7	Matroo Yadav	8-10-62
8	Ram Abatar Pashi	"
9	Bisher Yadav	"
10	Deo Lakhan Yadav	"
11	Gyan Chand Prasad	10-10-62
12	Dwarika Pashi	13-10-62
13	Mouji Bhuian	10-11-62
14	Shio Bachan Gope	"
15	Modi Dusadh	28-11-62
16	Dukhan Bhuian	"
17	Nankoo Bhuian	2-12-62
18	Ram Brichh Yadav	"
19	Kedar Prasad Bhagat	"
20	Amrit Yadav	"
21	Ram Ashis Mahato	"
22	Devidin Pashi	"
23	Budhan Bhuian	"
24	Prabhu Koiri	"
25	Niyamat Khan	"
26	Paltoo Rabidas	30-12-62
27	Man Roop Mahato	"
28	Manjim Khan	1-1-63
29	Ram Jatan Yadav	"
30	Etwar i Hari	"
31	Fida Hussain	"
32	Sakur Md. Khan	"
33	Jagdish Mahato	2-1-63
34	Chhatrapal Pashi	"
35	Ram Asrey Passi	14-1-63
36	Bisu Bhuian	11-3-62
37	Hidayat Khan	12-3-63
38	Warsali Khan	2-4-63
39	Baleswar Yadav	13-5-63
40	Mahadco Bhuian	29-5-63
41	Salcjan Khan	10-6-63
42	Chheddi Dusah	"
43	Bishwa Nath Yadav	17-6-63
44	Lachman Bhuia	8-7-63
45	Mahadco Passi	"
46	Faguni Bhuia	29-7-63
47	Lotan Mahato	2-9-63
48	Hari Bhuian	4-9-63
49	Ram Kisun Paswar	9-9-63
50	Marchu Rabidas	"
51	Ramdip Ravidas	1-1-64
52	Dhani Bhuian	"
53	Balkeshar Yadav	2-1-64
54	Kara Bhuia	20-12-64
55	Kanhai Bhuia	14-3-63
56	Kumar Rabidas	16-10-64

Trammers—No. 2/12 Inclines

Sl. No.	Name	Date of Appointment
1	Ram Chandra Upadhyaya	15-4-64
2	Ludu Gope	
3	Bairu Gope	
4	Sukhdeo Gope	
5	Dayal Bhuia	
6	Ram Sarup Yadav	
7	Fulchand Rabidas	
8	Ramdeo Gope	
9	Budhan Gope	
10	Jagdeo Gope	
11	Khedu Rewani	
12	Akloo Rewani	
13	Prashid Yadav	
14	Md. Basarat	
15	Jago Yadav	
16	Md. Rafique	
17	Ramjee Saw	
18	Shri Krishna Sahani	
19	Ram Narayan Passi	16-12-64
20	Ram Pati Yadav	16-12-64
21	Munshi Bhuia	18-12-64
22	Musafir Bhuia	18-12-64
23	Jagdip Gope	24-12-64
24	Sahadeo Pashi	7-1-65
25	Ramdhari Bhagat	16-1-65
26	Siddeswar Paswan	25-1-65
27	Saudagar Bhuia	25-1-65
28	Raghubir Rabidas	22-7-65

Loosemen

1	Halader Singh	1-12-64
2	Gokal Rewani	1-12-64
3	Uday Narayan Singh	1-12-64

Pick Miners—No. 1/12 Inclines

1	Ram Kumar Jaswara	1-10-1962
2	Laljee Bhuia	"
3	Baldeo Bhar	"
4	Ismail Mia	"
5	Sahadeo Bhuia	8-10-62
6	Salim Mia	15-10-62
7	Dwarika Jeswara	30-12-62
8	Ram Charan Pashi	31-12-62
9	Mahangoo Mahato	1-1-63
10	Jabed Ali Mian	"
11	Ramlal Bhuia No. 2	"
12	Jageshwar Mahato	"
13	Raghu Bhuia	"
14	Mangar Bhuia No.	"
15	Deochand Bhuia	"
16	Baldeo Bhuia	31-12-62
17	Bishwanat Rajwar	2-1-63
18	Sri Ram Pashi	1-1-63
19	Rajdeo Ram Harijan	21-1-63
20	Mahesh Rajbhan	4-2-63
21	Ram Prasad Pashi	5-2-63
22	Roman Shaw	1-4-63
23	Khedan Bhuia	"
24	Budhu Pashi	"
25	Nanku Pashi	"
26	Hulash Mahato	"

Sl. No.	Name	Date of Appointment
27	Lalmani Mahato	1-4-63
28	Gobind Ram Rewani	8-4-63
29	Ram Lal Pashi	8-4-63
30	Nandoo Singh	15-4-63
31	Biran Bhuia	15-4-63
32	Akal Shaw	16-4-63
33	Bajrangi Bhuia	16-4-63
34	Ram Kishun Barhi	18-4-63
35	Laljee Dusadh	15-4-63
36	Balkishun Harijan	20-4-63
37	Sheo Charan Rajwar	21-4-63
38	Munilal Singh	21-4-63
39	Pannu Shaw	18-4-63
40	Maho Bhuia	23-4-63
41	Raghu Gaderia	24-4-63
42	Sri Pal Pashi	25-4-63
43	Mangar Bhuia No. 3	25-4-63
44	Jagdeo Jeswara	26-4-63
45	Chhatram Panika	9-5-63
46	Deoki Shaw	"
47	Mahepal Pashi	"
48	Baudh Bhuia	"
49	Ram Kripal Pashi	"
50	Sukan Bhuia	10-5-63
51	Ramballi Pashi	10-5-63
52	Rejak Mia	20-5-63
53	Rajan Ali Mia	20-5-63
54	Charan Rabidas	11-3-64
55	Pardeshi Routh	15-5-64
56	Shalik Ram Kurmi	1-12-64
57	Dhani Pashi	"
58	Ram Jiwan Pashi No. 1	"
59	Ram Asrey Pashi	"
60	Sambar Shaw	22-4-63

Pick Miners (No. 2/12 Incline)

1	Ram Nath Teli	1-10-62
2	Ramdhan Bhuia	1-10-62
3	Jugal Bhuia	8-10-62
4	Ramdeo Gopi	1-1-63
5	Mahabir Thakur	"
6	Sukar Bhuia	2-1-63
7	Babulal Bhuia	"
8	Shridhar Bhuia	5-1-63
9	Doman Bhuia	29-1-63
10	Bandhu Bhuia	29-1-63
11	Kartick Bhuia	15-2-63
12	Doman Mahato	1-4-63
13	Kedar Pashi	"
14	Gopi Pashi	"
15	Sahadeo Kachhi	"
16	Turrit Shaw	15-4-63
17	Sukhraj Hariyan	"
18	Garib Harijan	21-4-63
19	Bansh Lochan Lohar	19-4-63
20	Ram Lall Harijan	21-4-63
21	Gorachand Rajwar	"
22	Ganjoo Rajwar	"
23	Mahesh Shaw	22-4-63
24	Jhakhri Bhuia	23-4-63
25	Ruhaman Mian	24-4-63
26	Ishak Mian	25-4-63
27	Maikoo Koiri	26-4-63
28	Khiroo Shaw	11-5-63

Sl. No.	Name	Date of Appointment
29	Hari Rajwar	
30	Baiju Bhuia No. 2	11-5-63
31	Magan Bhuia	"
32	Latif Mean	21-6-63
33	Ram Sahay Passi	6-1-64
34	Dhanu Bhuia	1-12-64
35	Idrish Mia	"
36	Jagdish Harijan	"
37	Bajinath Harijan	"
38	Jabbar Ansari	"
39	Acchaibat Pandey	"
40	Ram Dular Pashi	"
41	Sheo Murat Gope	"
42	Ramjatan Pashi	"
43	Ganopat Rabidas	"
44	Sahadeo Bhuia	"
45	Kareidin Pashi	"
46	Kesho Yadav	"
47	Baldeo Turi	"
48	Rameshwar Bhuia No. 1	"
49	Bajo Bhuia	"
50	Matadin Koiri	"
51	Somar Bhuia No. 4	"
52	Preman Bhuia	"
53	Jangi Lall Pashi	"
54	Brahmadeo Gaderia	"
55	Sitaram Gupta	14-12-64
56	Ram Shivram Kurmi	19-4-63
57	Bengali Rajwar	1-12-64
		4-1-64

G. P. Loaders (No 2/12 Incline)

1	Pariyag Bhuia	
2	Jethoo Bhuia	1-12-64
3	Pokhan Dusadh	"
4	Jano Bhuia	"
5	Darshan Mahato	"
6	Budhilal Lodh	"
7	Rampati Rajbhar	"
8	Shambhu Harijan	"
9	Ramkishore Passi	"
10	Narcesn Harijan	"
11	Ramanani Dusadh	"
12	Kailash Dusadh	"
13	Chetu Bhuia	"
14	Darsnan Rajbhar	"
15	Karoo Pashi	"
16	Shankar Bhuia No. 1	"
17	Sonar Bhuia No. 3	"
18	Lalji Bhuia	"
19	Anacnn Bhuia	"
20	Ramchandra Harijan No. 2	"
21	Bishu Bhuia	"
22	Lildhari Rabidas	5-12-64
23	Rangi Dusadh	14-12-64
24	Ran-pati Singh	"
25	Bansni Bhuia	"
26	Ramkishuu Rabidas	24-12-64
27	Somar dusadh No. 2	"
28	Batorey Harijan	4-1-65
		29-10-65

Monthly Paid Staff

Sl. No.	Name	Designation	Date of Appointment
1	J. K. Chakravorty	Office Supdt.	13-11-62
2	G. D. Mukherjee	Office Clerk	28-6-62
3	Mansa Ram Banerjee	Do.	1-12-62
4	S. C. Bhowmik	Do.	1-12-63
5	R. P. Sinha	Do.	1-8-64
6	Lashman Mahato	Electrician	25-10-62
7	Soukhi Prasad	Do.	13-6-63
8	A. S. Chawla	Atten. Clerk	1-4-63
9	T. N. Yadav	Do.	2-4-63
10	K. R. Chatterjee	Do.	25-6-66
11	Gulab Prasad	Loading Clerk	1-11-65
12	S. C. Hazra	Tub Checker	12-8-63
13	Bachhu Prasad Singh	Do.	1-8-64
14	Brahmdco Prasad	Do.	1-1-65
15	Malkit Singh	Do.	5-5-66

Machine Loaders (No. 1/12 Incline)

Sl. No.	Name	Date of Appointment
1	Nankoo Gope	1-10-62
2	Bhagwandin Pashi	31-12-63
3	Bhola Rabidas	1-1-63
4	Shiv Ram Koiri	15-4-63
5	Bishram Koiri	15-4-63
6	Shio Prasad Pashi	15-4-63
7	Sundar Pashi	3-6-63
8	Babadin Koiri	1-7-63
9	Ram Gulam Rabidas	1-7-63
10	Bablal Koiri	8-7-63
11	Sarju Pashi	15-7-63
12	Shio Ram Lodh No. 1	22-7-63
13	Garib Pashi	5-8-63
14	Kalidin Pashi	9-9-63
15	Bholi Shaw	15-10-63
16	Brahmdco Dusadh	1-1-64
17	Ram Narayan Singh	1-1-64
18	Lildhari Bhuina	1-1-64
19	Ganesh Bhuina	1-1-64
20	Sohrai Dusadh	2-1-64
21	Babulal Passi	3-1-64
22	Kuldip Dusadh	4-1-64
23	Shripal Pashi	7-1-64
24	Bipat Gope	11-2-64
25	Shivram Pashi	11-2-64
26	Hanif Mian	1-12-64
27	Kalika Gaderia	"
28	Raghunath Pashi	"
29	Dwarika Pashi	"
30	Musan Bhuina	"
31	Kailoo Bhuina	1-12-64
32	Raghubir Jaiswara	"
33	Shyama Charan Yadav	"
34	Mohanlal Jaiswara	"
35	Nago Mahto	"
36	Khual Mahto	"
37	Satram Rajbhar	19-1-65

Sl. No.	Name	Date of Appointment
<i>Stgle Pickers</i>		
1	Sahadari Dusadhin	9-4-63
2	Basanti Dusadhin	"
3	Champa Rajwarin	10-4-63
4	Lakhpata Kaharin	16-9-63
5	Pawan Tantin	"
6	Kaburati Koirin	"
7	Shanti Dusadhin	9-12-63
8	Pyaria Dusadhin	11-12-63
9	Anarwa Dusadhin	"
10	Chinta Dusadhin	"
11	Mahri Dusadhin	12-12-63
12	Kanti Dusadhin	1-1-64
13	Hemanti Dusadhin	"
14	Sabitri Tetin	"
15	Atarwa Bhuini	2-1-64
16	Dulali Rajwarin	4-1-64
17	Badamia Dusadhin	10-2-64
18	Kalabati Tantin	10-2-64

[No. 2/46/67-LRII.]

ORDERS

New Delhi, the 20th March 1969

S.O. 1203.—Whereas an industrial dispute exists between the employers in relation to the New Ghusick Colliery of Messrs Ghusick and Muslia Collieries Limited, Post Office Kalipahari, District Burdwan and their workmen represented by the Colliery Mazdoor Congress (H.M.S.), Bengal Hotel, Post Office Asansol, District Burdwan;

And, whereas the said employers and the workmen have, by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration of the person specified therein, and a copy of the said agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 24th February, 1969.

Agreement

Under Section 10A of the Industrial Disputes Act, 1947.

BETWEEN

Name of Parties.

Representing Employers.—Shri M. P. Roy, Group Personnel Officer, M/s. Ghusick and Muslia Collieries Limited P. O. Kalipahari, Dist. Burdwan.

Representing workmen.—Sri S. K. Rudra, General Secretary, Colliery Mazdoor Congress (H.M.S.) Bengal Hotel, Asansol.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Sri R. B. Mazumder, Assistant Labour Commissioner (C), Asansol.

(i) *Specific matters in dispute.*

"Whether the management of New Ghusick Colliery owned by M/s. Ghusick & Muslia Collieries Ltd., was justified in changing the category of Shri Jagdish Paswan, Haulage Khalasi from IV to III as per their notice dt. 11-11-68? If not, to what relief is the workman entitled?"

- | | |
|--|--|
| (ii) Details of the parties to the dispute including the name & address of the establishment or undertaking involved | Employers in relation to New Ghusick Colliery, owned by M/s. Ghusick & Muslia Collieries Ltd., P.O. Kalipahari, Dist. Burdwan. |
| (iii) Name of the Union, if any representing the workmen in question. | Colliery Mazdoor Congress (H.M.S.) Bengal Hotel, P.O. Asansol, Dist. Burdwan. |
| (iv) Total number of workmen employed in the undertaking affected. | 450 |
| (v) Estimated number of workmen affected or likely to be affected by the dispute. | 1 (one) |

We further agree that the decision of the arbitrator shall be binding on us.

The arbitrator shall make his award within a period of six months or within such further time as is entered by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Witnesses:—

1. Sd./- Illegible,
2. Sd./- Illegible,

Dated the 13th January, 1969.

Signature of the parties.

Sd./- M. P. Roy,

Representing Employers

Sd./- S. K. RUDRA,

Representing workmen.

[No. 6/89/68-LRII.]

S.O. 1204.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ningha Colliery owned by Messrs Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Ningha Colliery owned by Messrs Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan, is justified in retiring Shri Suresh Chandra Sinha, Truck Checker with effect from the 1st September, 1968? If not, to what relief is the workman entitled?

[No. 6/101/68-LRII.]

S.O. 1205.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Benedih Colliery of Messrs. Benedih Coal Concern, Post Office Nudkhurkee, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Benedih Colliery of Messrs. Benedih Coal Concern, Post Office Nudkhurkee, District Dhanbad, was justified in dismissing Shri Nandu Bhar, Miner, with effect from the 6th September, 1968? If not, to what relief is the workman entitled?

[No. 2/33/69-LRII.]

New Delhi, the 21st March 1969

S.O. 1206.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Pure Kustore Colliery, District Messrs. Pure Kustore Collieries Company Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, No. 3, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Pure Kustore Colliery of Messrs. Pure Kustore Collieries Company Limited, Post Office Kusunda, District Dhanbad in dismissing Shri Bhajan Dusadh, Underground Trammer with effect from the 4th October, 1967, is justified? If not, to what relief is the workman concerned entitled?

[No. 2/13/69-LRII.]

S.O. 1207.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bhowra Colliery of Messrs. Karamchand Thapar and Brothers (Private) Limited, Central Office Bhowra, Post Office Bhowra, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the claim of the workman Shri Ishak Khan, Mining Sirdar of Bhowra Colliery for the scale of Rs. 205—7—247—10—337 as recommended by the Central Wage Board for Coal Industry is justified? If so, to what relief is he entitled?

[No. 2/157/68-LR-II.]

S.O. 1208.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government thereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Sripur Group of Collieries owned by Messrs. Lodna Colliery Company (1920) Limited, Post Office Kalipahari, District Burdwan, was justified in terminating the services by way of retirement of the following workmen with effect from the 1st September, 1968:—

Sl. No.	Name of workers	Designation	Name of Colliery
1	Shri Sudama Singh . . .	Boiler Fireman	Sripur Colliery
2	Shri Rashbehari Ghose . . .	Head Fitter	Do.
3	Shri Dwarika Pandey . . .	Munshi	Do.
4	Shri Jagannath Karmakar . . .	Hd. Fitter	Do.
5	Shri Kausali Mia . . .	F.S. Prop. Mistry	Do.
6	Shri Kalu Kahar . . .	Fan Khalasi	Do.
7	Shri Jhari Mia . . .	Gateman	Ningha Colliery
8	Shri Usman Mia . . .	Boiler	Rana Colliery.
9	Shri Golok Behari Sadhu . . .	M/Sirdar	Do.
10	Shri Mangru Turi . . .	W.E. Khalasi	Sripur Colliery
11	Shri Debu Mondal . . .	Line Mistry	Do.
12	Shri Sadique Mia . . .	Shale Picker	Do.
13	Shri Issaque Mia . . .	Poniati North trammer	Do.
14	Shri Sarat Mukherjee . . .	Shale Picker	Do.
15	Shri Md. Mia . . .	Tyndal	Do.
16	Shri Gobardhan Mia . . .	Body Searcher	Do.
17	Shri Etawari Mia . . .	On Setter	Do.
18	Shri Udho Lohar . . .	Blacksmith	Do.
19	Shri Usman Mia . . .	Line Mistry	Do.
20	Shri Anath Ram . . .	Chaprashi	Do.
21	Shri Md. Yusuf . . .	H/W Fitter	Do.
22	Shri Borhan Mia . . .	Dusting Mazdoor	Do.
23	Shri Raghubir Mistry . . .	Carpenter	Do.
24	Shri A. C. Roy . . .	Overman	Do.
25	Shri Netai Sarkar . . .	Electrician	Do.
26	Shri Jamini Mukherjee . . .	Electrician	Do.
27	Shri Amulya Sikdar . . .	U/G Traffic	Do.
28	Shri Debu Karmakar . . .	Blacksmith	Do.
29	Shri Mangla Bouri . . .	Store Mazdoor	Do.
30	Shri Toolo Barai . . .	M/Sirdar	Rana Colliery
31	Shri Nibaran Ch. Dey . . .	Fan Khalasi	Sripur Colliery

If not, to what relief are these workmen entitled?

[No. 6/134/68-LR-II.]

BALWANT SINGH, Under Secy.

(Department of Labour and Rehabilitation)

New Delhi, the 18th March 1969

S.O. 1209.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Hindustan Commercial Bank Limited, Kanpur and their workmen, which was received by the Central Government on the 11th March, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: DELHI.**PRESENT:**

Shri R. K. Baweja, Central Government Industrial Tribunal, Delhi.
20th February 1969

C.G.I.D. No. 2 of 1967.

BETWEEN

The employers in relation to the Hindustan Commercial Bank Ltd., Kanpur.

AND

Their workmen, as represented by the Punjab Bank Employees' Federation, Jullundur City.

Shri O. N. Malhotra—for the bank/management.

Shri Tck Chand Sharma—for the workman/federation.

AWARD:

Vide Order No. 51/39/67/LRIII, dated 21st August, 1967, the Government of India in the Ministry of Labour and Employment referred the following industrial dispute existing between the employers in relation to the Hindustan Commercial Bank Limited, Kanpur (hereinafter to be referred as management) and their workman, Shri Bhagwan Dass as represented by the Punjab Bank Employees' federation, Bikrampur, Jullundur City (hereinafter to be referred as federation) for adjudication to this Tribunal:—

"Whether the management of Hindustan Commercial Bank Limited, Kanpur was justified in terminating with effect from the 20th January, 1958, the services of Shri Bhagwan Dass, Cashier at their Amritsar Branch? If not, to what relief is he entitled?"

2. The facts of this case leading to this reference which are not in dispute are, that the workman joined the service of the management as cashier in August, 1944. On the 5th of May, 1952 he was suspended from service on account of a criminal case instituted against him under sections 408 and 471 of the Indian Penal Code by a constituent of the bank. He was prosecuted along with the branch manager of the bank at Amritsar where the workman was posted and the ledger clerk, Shri Joginder Paul. The trial magistrate acquitted him of the charges on the 21st of March, 1955 whereas the other two accused were convicted, though the manager was acquitted in appeal by the Addl. Session Judge, Amritsar. The facts of the criminal case in which the concerned workman was charged were that on the 1st of September, 1951 a cheque dated 31st of August, 1951 for a sum of Rs. 6,900 allegedly issued by M/s. Ram Singh Harmohan Singh, an account holder of the Amritsar branch of the bank and purporting to have been signed by them was presented for payment. It was subsequently found after the cheque had been encashed that it was not genuine and that it did not bear their signatures. A report was made to the police and as a result of that, the concerned workman and two others were charged and after the acquittal of the workman on the 21st of March, 1955 the management decided to hold an enquiry against him and appointed Shri J. C. Khosla, its employee, as an enquiry officer who held the enquiry against him on the charge of his having attested the forged signatures of the account holder on the cheque. After the completion of the enquiry, the enquiry officer submitted his report to the management and found the workman guilty of the charge. Thereafter the services of the workman were terminated by the management on the 21st January, 1958.

3. The federation in its statement of claim alleged that the holding of enquiry after the order of his acquittal had been made in respect of the same charges was opposed to para. 505 of the Sastry Award and that such an enquiry which

resulted in the termination of the services of the workman was unlawful, *mala fide*, unjustified and opposed to the principles of natural justice. An appeal was filed against the order of dismissal by the concerned workman but it was dismissed by the general manager of the management on the 2nd of January, 1959. The federation then moved the Regional Labour Commissioner, Kanpur for the redress of the grievances of the workman. It was advised by the Regional Labour Commissioner that the employee should approach the Labour Court in the first instance for determination of the amount payable to him and that the request of the federation for a reference being made to the Tribunal for the reinstatement of the employee would be taken up by the Government machinery after the determination of that claim. The workman claimed that he was entitled to his wages and other allowances upto the date of the termination of his services in accordance with provisions of para. 521(2)(c) of the Sastry Award, but the contention of the management was that as he was acquitted by the trial magistrate by giving him the benefit of doubt, he was not eligible to the balance of his wages for the suspension period. In pursuance of the advice of the Regional Labour Commissioner, a claim under section 33C(2) was made by the workman before the Central Government Labour Court, but the said Court *vide* its order dated 28th of March, 1961 held that as the employee had not been honourably acquitted, he was not entitled to the relief under paragraph 521(2)(c) of the Sastry Award. The Labour Court ordered payment of three months wages in lieu of notice as directed in para. 505 of the said award because no notice of termination of his services was served on him. Against this order of the Labour Court, a writ petition was filed by the workman in the Punjab High Court Chandigarh under Article 227 of the Constitution of India for quashing the order of the Labour Court and the order of the Labour Court was quashed. It was held by the High Court that the petitioner had not been given the benefit of doubt and for that reason he was entitled to all the benefits permissible to him under the aforesaid paragraph of the Sastry Award. The appeal of the bank in the Supreme Court against that order also failed on the 28th of November, 1964. The Labour Court after the remand of the case by the High Court computed the amount payable to the employee at Rs. 9,035.41 for the period of suspension upto the date of termination of his services.

4. After receiving the above payment in pursuance of the order of the Labour Court dated 1st of June, 1965, the federation raised the dispute about the alleged wrongful and illegal termination of his services and the Government of India then made the present reference. The order of termination of his services is now assailed by the federation and it is stated that it is illegal, arbitrary, *mala fide* and against the principles of natural justice, *inter alia*, for the following reasons:—

- (i) That in terms of para 505 of the Sastry Award the Bank cannot hold a double trial of the employee on the same charges after his acquittal by the court of law after going through full merits of the case.
- (ii) That it has been held by the various courts that the Departmental authority could not sit in judgment over the findings in the criminal case and punish him for the offence of which he was acquitted by a competent court of law. It was further held that if this is permitted the very foundation of the administration of justice would tumble down.
- (iii) That it is laid down in Section 403 of the Code of Criminal procedure that a person once acquitted or convicted of any offence after a proper trial by a competent court is not liable to be tried again for the same offence.
- (iv) The termination of services of Sh. Bhagwan Dass is also illegal, as no proper notice as directed in para 522(1) of the Sastry Award was served upon Sh. Bhagwan Dass, nor were 3 months wages in lieu of notice period paid to him at the time of termination of his services."

5. The management in its written statement did not deny the facts leading to the acquittal and the subsequent initiation of the departmental enquiry resulting in the dismissal of the workman. It was, however, pleaded that according to para. 11 of the agreement between the treasurer and the management, the treasurer was responsible for the correctness and genuineness of all the hundles and cheques bearing vernacular signatures. The cheque in question was sent to Shri Bhagwan Dass for attestation and he attested it by putting his initials against the signatures on it. On his attestation, it was stated, the manager passed the cheque and the payment was made. The signatures of the account holder on

the cheque turned out to be forged and thus the concerned workman put the bank to loss of Rs. 6,900 by his wrongful and illegal act. It was further pleaded that after his acquittal by the criminal court, a departmental enquiry was ordered against him in exercise of the powers given to the management under paragraph 521(2)(c) of the Sastry Award. The enquiry officer after giving full opportunity to the concerned workman found that the charge against him stood established and so, the action of the management in terminating his services was perfectly legal and proper. It was further pleaded that the Government of India in the Ministry of Labour and Employment at the first instance rejected the claim of the workman for his reinstatement and directed him to file an application under section 33C(2) of the Industrial Disputes Act and in pursuance of which an application was filed by the workman before the Labour Court which awarded him a sum of Rs. 9,035.41. This payment was accepted by him and after this payment, all other claims including that of reinstatement stood finally settled and thus he or any-one-else on his behalf was estopped for making any claim in respect of the termination of his services. It was further pleaded that the reference was incompetent when once it had been rejected by the Government. Rejoinders were also filed by the parties in which the same allegations and pleas were made as in the statement of claim and the written statement. On the above pleadings of the parties my learned predecessor framed the following issues:—

- (1) Whether the workman is estopped from raising the demand of reinstatement in view of the acceptance by the workman of the benefits as computed by the Labour Court, Jullundur by its order dated 1st June, 1965.
- (2) As in the term of reference.
- (3) Whether the reference is incompetent on the grounds stated in the rejoinder of the bank?

Issue No. 1:

6. I have already stated above that after the remand of the case by the High Court, the Labour Court computed the amount payable to the workman at Rs. 9,035.41 for the period of suspension up to the date of termination of his services. This amount was duly received by the workman from the management and it is admitted. The contention of the management is that after the receipt of this amount the workman was estopped from raising the demand of reinstatement on the basis of the general principles of estoppel. It was argued that if the workman elected to receive the benefits due to him under section 33C(2) of the Act, he could not subsequently come forward and say that his dismissal was illegal and he be reinstated. No authority in support of this proposition propounded before me was cited by the learned representative of the management. On the other hand on behalf of the workman I was referred to a dispute between Hira Mills, Ltd., Ujjain and Mukund Sonubhaiya Pandit and others (1969-1-LLJ-81). In that case, the employee voluntarily accepted the payment of notice-pay, gratuity and provident fund. Thereafter, he made a demand for reinstatement and the reference was made by the Government to the Labour Court. There, a plea was taken by the management that the workman could not claim his reinstatement after he had accepted the benefits due to him. It was held by their lordships, repelling the contention, that the payment to the respondent employee of the notice-pay, gratuity and provident fund was not any payment gratuitously made or as a matter of bounty or boon. He would be entitled to these amounts as of rights even when the order of termination was held to be a valid one and that the respondent employee had no choice between any two reliefs. This being so, their lordships held that his acceptance of notice-pay etc., could not prevent him from approaching the Labour Court, for having the order of termination set aside. In view of this authority, the contention urged on behalf of the management falls to the ground. Apart from that there is nothing on the record to show that by agreeing to accept these benefits under section 33C(2) of the Act, the workman gave up his claim for reinstatement. I shall, therefore, find this issue against the management.

Issue No. 3.

7. The only objection of the management under this issue is that, if once the Government had decided not to refer the present dispute for adjudication to the Tribunal, it could not subsequently reconsider and make the present reference. From the documents placed on the record, it transpires that by letter No. 10(142)/59-LRII dated the 10th of June, 1960, the Government of India in the Ministry of Labour and Employment informed the federation and the general manager of the management that since the employee had been asked to approach the

Labour Court in the first instance for determining the amount payable to him, the Government did not consider the dispute fit for reference to adjudication. The same view was taken in another letter No. K-102(38)/66 dated the 3rd of November, 1966 by the Regional Labour Commissioner (Central), but he asked the federation that, if it felt that the decision of the High Court had made a substantial difference to the merits of the case, then the secretary of the federation could write to the Government of India, Ministry of Labour, Employment and Rehabilitation for reconsideration of their earlier decision. The Government of India was then moved and it was decided that the present reference be made. In support of this plea, my attention was drawn to a dispute between Gandhara Transport Company (Private), Ltd., and State of Punjab and others (1968-I-LLJ-456). It was held by Mr. Justice R. S. Narula in that case that, if the Government had once declined to make a reference, subsequent reference by the State Government was not valid. As against this ruling, on behalf of the workman I was referred to workmen of Dalmia Cement (Bharat) Ltd., and others, v. State Government of Madras and others (1969 Lab. IC. 10). In this case, a contrary view was taken and it was held that, if the Government had declined to make the reference, it could subsequently on reconsideration order a reference. In a recent judgment, the High Court of Delhi in Messrs Khadi Gramodyog Bhavan, New Delhi vs. The Delhi Administration and another (1968-I-IDJ-79) has also taken the same view. It was held by their lordships that the order of a reference under section 10 was essentially an administrative order and there appeared to be no reason why the said order could not be reviewed or changed for good and sufficient reasons. The view of the Punjab High Court as given in AIR 1966 Punjab 354 was dissented from. In view of the decisions of the Madras and Delhi High Courts, I am inclined to take the view that the Government of India on reconsideration could refer the dispute regarding the reinstatement of the workman to this Tribunal and the issue is decided against the management.

Issue No. 2

8. This is the main issue in this case and is covered by the term of reference. It was canvassed on behalf of the workman that if once an accused had been acquitted of the criminal charge, no departmental enquiry could be held against him on the same charge. The other contention was that the holding of enquiry and dismissing a workman after he had been acquitted was opposed to the provisions of Paragraph 505 of the Sastry Award. I shall now deal with these points.

9. On behalf of the management my attention was drawn to a ruling reported as 1966-I-LLJ-55 (Motising Chhagasing Vaghela vs. S. D. Mehta). In that case, a Government servant was prosecuted for corruption and was acquitted by a special judge. The order of acquittal was confirmed by the Gujarat High Court and subsequently a departmental enquiry was conducted on the same facts. It was held by the Hon'ble Judges of the High Court in this case that, there was no constitutional bar to the departmental enquiry being held on the termination of a criminal proceeding in favour of the delinquent. It was observed that the object of holding a departmental enquiry was only to enquire into the question whether the delinquent was guilty of a mistake or delinquency and the mere fact that the enquiry officer was likely to come to a different conclusion from the one recorded by the criminal Court could not bring him within the ambit of the law of contempt of Court. It was further observed that there was no violation of principles of natural justice in holding a departmental enquiry on the same facts on which a criminal Court had recorded an order of acquittal and that the principle laid down in Section 403 of the Criminal Procedure Code would not apply. The Madras High Court took a similar view in a subsequent ruling reported as 1967-II-LLJ-394 (Rangarajan and others and State of Madras). The contention was raised before his lordship that, how far a departmental enquiry was competent when the officer was acquitted on the same facts by a criminal Court. It was observed that, no doubt it would be a strange predicament if in spite of a trial by a criminal Court on the same facts, the domestic tribunal were to come to a different conclusion on the same facts. But there could not be a complete prohibition against the tribunal coming to a conclusion, for it was well known that the tribunal was not bound by several rules that were binding on appreciation of evidence. In the case between S. Krishnamurti and Chief Engineer, Southern Railway (1966-II-LLJ 697), an employee was convicted acquitted on a technical ground by the High Court. It was held that subsequent disciplinary proceedings upon the same facts were not barred.

10. The federation on behalf of the workman relied on a dispute between Bhagwan Dass and Central Government Labour Court, Delhi, and another (1963-I-LLJ 632). This case related to the concerned workman. He went in writ against the order of the Central Government Labour Court, Delhi and his writ petition was accepted. His lordship held that in this case the workman was acquitted by the trial magistrate and was not given the benefit of doubt. So, he was entitled to the benefits under section 521(2)(c) of the Sastry Award. This point was not before the High Court viz., if after the order of acquittal had been passed, a departmental enquiry could be instituted against the delinquent on the same facts. So, this ruling, in my opinion, does not help the workman. In this connection my attention was also drawn by the learned representative of the workman to a case between Syed Qamarali and State of Madhya Pradesh (1959-I-LLJ-47). No doubt, in this case a somewhat contrary conclusion was arrived at. It was held that it was open to a departmental authority to frame a charge not related to the charge in the criminal case against the concerned employee and that the High Court could not sit in judgment as an appellate authority over the departmental authority. But where the concerned employee was honourably acquitted in the criminal case against him, the same subject-matter could not form the subject-matter of a departmental enquiry. It was further observed that no authority could be permitted to hold a departmental enquiry on such basis. Where the concerned employee was held innocent of the crime charged against him, the departmental authority could not sit in judgment over the findings in the criminal case and punish him for the offence of which he was honourably acquitted by a competent Court of law, and if this was permitted, the very foundation of the administration of justice would tumble down. This very case was considered by their lordships in 1966-I-LLJ-53 (Motising Chhagasing Veghela and S. D. Mehta) referred to above but this view was not followed.

11. After going through this case law referred to above, the preponderance of authority seems to be in favour of the view urged by the management that a departmental enquiry is competent on the same facts after an employee has been acquitted by a Court of law and that there is no constitutional or legal bar to that course being adopted by the management. I am, therefore, disposed to hold that the first contention advanced on behalf of the workman is not well-founded.

12. Now I shall deal with the other contention raised on behalf of the workman that the provisions of the Sastry Award prohibit the institution of the departmental enquiry against an employee, who has been acquitted of a criminal charge by court of law. In this connection my attention was drawn to Paragraph 505 of the said award which is quoted below:—

As already stated we have tried to follow the regulations prescribed by the Sen Tribunal with modifications. We are very particular that a verdict of acquittal passed by a competent Court of law should not be lightly thrown aside by the bank management in trying to institute departmental enquiries after the acquittal, as it would amount to a double trial in respect of the same offence. We have occasionally come across instances where a bank management has persisted in its application under Section 33 in spite of an acquittal by an ordinary court of the land after a full trial. The decisions of our courts are entitled to the highest respect and the bank managements should reinstate an employee who is honourably acquitted and pay him his full salary and allowances. The acquittal should not be lightly challenged by departmental enquiries for disciplinary action unless the bank management feels that there has been such a gross violation of the departmental rules as to necessitate a further enquiry in the interests of the institution on matters other than those in respect of which he has been already acquitted. If after the departmental enquiry the management still feels that the employee cannot continue in its service it can terminate his services only on payment of three months' salary and allowances in lieu of notice."

In order to appreciate the point involved in this contention it will also be necessary to refer to the relevant part of Paragraph 521 of the said award. It provides that, a person against whom disciplinary action is proposed or likely to be taken should, in the first instance, be informed of the particulars of the charge against him; he should have a proper opportunity to give his explanation as to such particulars. Final orders should be passed after due consideration of all the relevant facts and circumstances. With that object in view, the

following directions were given as contained in sub-paras. (2)(b) and 2(c) of Paragraph 521 of the said award:—

- “(2)(b) If he be convicted he may be dismissed with effect from the date of his conviction or be given any lesser form a punishment as mentioned in sub-paragraph (5) below.
- (2)(c) If he be acquitted, it shall be open to the management to proceed against him under the provisions set out below in sub-paragraph (9) and (10) infra relating to discharges. However, in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with three months' pay and allowances in lieu of notice. And he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to the full pay and allowances minus such subsistence allowance as he has drawn and to all other privileges for the period of suspension; provided that if he be acquitted by being given the benefit of doubt he may be paid such portion of such pay and allowances as the management may deem proper, and the period of his absence shall not be treated as period spent on duty unless the management so direct.”

Both the provisions read together lead to the conclusion that, proceeding against an acquitted employee in a departmental enquiry is not absolutely barred. Paragraph 521(2)(c) lays down that, if an employee is acquitted, it shall be open to the management to proceed against him under the provisions set out in sub-paras. (9) and (10) relating to discharges. It, therefore, postulates that the award contemplates the initiation of enquiry proceedings against the workman who has been acquitted. Paragraph 505, however, lays down a guide line for the management in such cases. It states that, the decisions of our courts are entitled to the highest respect and the bank managements should reinstate an employee who is honourably acquitted and pay him his full salary and allowances. It further lays down that the acquittal shall not be challenged by departmental enquiries for disciplinary action unless the management feels that there has been such a gross violation of the departmental rules as to necessitate a further enquiry in the interests of the institution on matters other than those in respect of which he has been already acquitted. The question, therefore, that falls for determination after reading these provisions and that of Paragraph 521 is if, “there has been such a gross violation of the departmental rules as to necessitate a further enquiry in the interests of the institution on matters other than those in respect of which he has already acquitted”.

13. From the copy of the judgment of the trial Magistrate, it is clear that the workman was charged along with the manager and the ledger clerk under sections 408/37 and 471/37 of the Indian Penal Code. The charges against him were of criminal breach of trust by a clerk or servant and of fraudulently or dishonestly using the cheque as a genuine cheque which he knew or had reason to believe to be a forged document. The concerned workman was acquitted by the trial Magistrate. It was pointed out on behalf of the management that the acquittal of this accused was not honourable and that he was only given the benefit of doubt. It was, therefore, urged that under these circumstances the management was justified in initiating the departmental enquiry and that the provisions of section 505 of the award did not apply. This very question came up before the High Court when a writ was filed by the workman against the order of the Labour Court dated 28th of March, 1961 dismissing his application under section 33C(2) of the Act. His lordship while dealing with this point observed as follows:—

“There could be no two opinions in the present case that the petitioner had been just acquitted and there was no question of his acquittal having been made by giving him the benefit of doubt. Indeed, according to the judicial opinion the expression ‘honourable acquittal’ is one which is unknown to Courts of justice. It is a form of order used in Court martial and other extra-judicial tribunals. Where a person is just acquitted, his acquittal is as full and complete as possible vide *Robert Stuart Wauchope v. Emperor* (I.L.R. 61 Cal. 168).”

It is, therefore, obvious from the above extract from the judgment of the High Court that the workman was not acquitted by giving him the benefit of doubt but his acquittal was full and complete. This being so, on that ground it cannot be said that the provisions of Paragraph 505 were not applicable to the present

case. I have already mentioned above what the charges against this workman were and of which he was acquitted.

14. Now under Paragraph 505 of the Sastry Award, the acquittal is not to be challenged by departmental enquiries for disciplinary action unless there has been a gross violation of the departmental rules as to necessitate a further enquiry in the interest of the institution. Shri K. V. Soi was appointed enquiry officer by the management to conduct the departmental enquiry against him. On the representation of the workman, his report was quashed by the management as he happened to be under the branch manager who was a co-accused with the workman. Thereafter, Shri J. C. Khosla was appointed an enquiry officer and he started the enquiry on the 16th of December, 1957 and concluded it on the same day by only recording the statements of the agent of the Amritsar branch of the bank and that of the concerned workman, Shri Bhagwan Das. No fresh charge-sheet was framed by him and he relied on the charge-sheet given by the former enquiry officer, Shri K. V. Soi Ext. M/5. The charge framed by Shri Soi against the workman was that he (workman) wilfully and intentionally gave a wrong statement before the Court to the effect that he had merely translated the vernacular signatures on the cheque in dispute and had not attested the same. This was considered to be an act highly prejudicial to the interests of the bank resulting in serious loss to it. It was further mentioned in the charge-sheet that though the workman was acquitted on a technical ground, the Court did not believe this version and held that his explanation was unsatisfactory and that in fact he had attested the signatures on the cheque. The case of the management before the trial Court was that it was the duty of the cashier to attest the signatures on a cheque if they are happened to be in a language other than English. In his statement before the trial Court he had stated that he initialled the transliteration of the signatures of Shri Ram Singh, drawer of the cheque in 'India' character. The Magistrate in his judgment dated the 31st of March, 1955, a copy of which is in the file of the Labour Court, observed that it was not in every case that Bhagwan Dass accused was required to attest the vernacular signatures and that it was up to the manager to get any signatures attested by him if he so desired. No doubt, he held that the explanation furnished by the accused that he had initialled the transliteration of the landa writing of Ram Singh and not attested his signatures was not satisfactory as no transliteration had been done by the accused on the cheque. It was, however, argued before him that the accused could only be asked to offer explanation to any incriminating circumstances which went against him in the prosecution evidence and that he could not be made a witness against himself while recording his statement under section 342 Cr. P.C. The Magistrate accepted this contention and held from a careful consideration of the whole evidence that it was not incumbent on Bhagwan Dass accused to attest the vernacular signatures and that there was no prosecution evidence to show that he had attested the signatures on the cheque Ext. P.B. From these observations, it is clear that there was no evidence that the workman had attested the cheque. It was also found by the Magistrate that it was not the duty of the cashier to attest the document though in some cases he did. The explanation furnished by the workman under section 342 Cr. P.C. was, no doubt, that he initialled the transliteration of the signatures but it is note-worthy that it was not on the basis of this statement that he was acquitted. It is true that in appeal by the manager and the ledger clerk who were convicted by the trial Magistrate, the Addl. Sessions Judge observed that it was provided in para 11 of the agreement between the treasurer and the bank that the treasurer would be responsible for the correctness and genuineness of all the 'bundles' and cheques bearing vernacular signatures. But this was an agreement between the treasurer and the bank and it was not an agreement between the workman, who was a cashier under the Treasurer and the bank. There is nothing on the record to suggest that in an agreement between the Treasurer and the workman there was a clause that he would be responsible for attesting the signatures on cheques which would be in a language other than English. Any way, the charge in the departmental enquiry against the workman was that he made a wrong statement before the trial Magistrate and that on the basis of that he was acquitted which resulted in a serious loss to the bank. It is not borne out from the observations made by the trial Magistrate in his judgment. It was not on the basis of that statement that he was acquitted. He was acquitted on two grounds namely, that the prosecution had failed to show that he had attested the cheque and that it was not incumbent on Bhagwan Dass to attest the vernacular signatures. Under these circumstances it cannot be said by any stretch of imagination that there was any gross violation of the departmental rules as to necessitate a further enquiry in the interest of the institution on matters other than those in respect

of which he had been acquitted. It has not been shown as to what those departmental rules were which he grossly violated and which necessitated a further enquiry. I am, therefore, firm in my mind that the conditions laid down in paragraph 505 of the award permitting the department to initiate a departmental enquiry after a workman has been acquitted of the charge have not been satisfied and the charge-sheet Ext. M/5 does not indicate those circumstances. It was only on the basis of a statement which the workman made under section 342 Cr. P.C. that he was charge-sheeted but on that ground the order of acquittal was not passed. That statement was not against any departmental rules referred to in Paragraph 505 of the award. I am, therefore, inclined to hold that Paragraph 505 of the Sastry Award was a bar to the starting of departmental proceedings against the workman and that it did not come within the exception as laid down therein.

15. In conclusion it was argued that observations made in paragraph 505 of the award were only recommendatory and not mandatory. I am afraid that no such inference could be drawn. Paragraph 505 is contained in Chapter XV of the Sastry Award which pertains to method of recruitment, conditions of service, termination of employment and disciplinary action. How and under what circumstances departmental proceedings be started against a workman are given in Paragraphs 505 and 521 of the award. They are not of recommendatory nature but are binding on the parties to the award. It is specially mentioned in Paragraph 505 that the acquittal shall not be challenged by departmental enquiries for disciplinary action unless the several conditions are satisfied. I, therefore, find little force in this contention raised on behalf of the management.

16. No other point was argued before me and for the reasons, stated above, I hold that the management was not justified in starting a departmental enquiry against the workman after his acquittal and terminating his services on the basis of the findings of the enquiry officer. The reference is, therefore, answered in favour of the workman. After his acquittal, as mentioned in Paragraph 505 of the award, the bank management has to reinstate an employee who is honourably acquitted and has to pay him his full salary and allowances. It is, therefore, directed that the management should reinstate the workman, Shri Bhagwan Das and pay him his full salary and allowances with effect from the date of his acquittal minus any amount which the workman has received for this period.

(Twenty pages)

20th February, 1969.

(Sd.) R. K. BAWEJA,

Central Govt. Industrial Tribunal, De'hi.

[No. 51/39/67-LRIII.]

New Delhi, the 19th March 1969

S.O. 1210.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri Balbir Singha, Arbitrator, in the industrial dispute between the management of Messrs Bikaner Gypsums Limited, Bikaner and their workmen represented by Gypsum Mines Workers Union, Bikaner, which was received by the Central Government on the 14th March, 1969.

BEFORE SHRI BALBIR SINGHA, ARBITRATOR

Arbitration in the Industrial Dispute

BETWEEN

M/s. Bikaner Gypsums Limited, Bikaner

AND

Their workmen represented by the Gypsum Mine Workers Union, Bikaner.

PRESENT:

Shri Balbir Singha, Arbitrator.

APPEARANCES:

For M/s. Bikaner Gypsums Limited.—1. Shri B. C. Mukerjee, Resident Manager and

2. Shri A. K. Mukerjee, Personnel Manager, M/s. Bikaner Gypsums Limited, Bikaner.

For the workmen.—Shri V. N. Gupta, Secretary, Gypsum Mine Workers Union, Bikaner.

INDUSTRY: Gypsum Mines, Jamsar, Distt. Bikaner, STATE: Rajasthan.

Dated Bikaner the 7th March, 1969.

AWARD

By an agreement under Section 10A of the Industrial Disputes Act, 1947 arrived at between the workmen represented by the Gypsum Mine Workers Union, Bikaner (hereafter referred to as the said union) and the M/s. Bikaner Gypsums Limited, Bikaner (hereinafter referred to as the company) the parties above named referred to my sole arbitration the following matter in dispute:—

"Whether the demand of the following Wiremen, that they should be given the same uniform as given to the Wiremen 'A' that is Khaki Coat instead of one Khaki half shirt and one Khaki full shirt is justified and if not, to what relief are they entitled?"

1. Shri Moolchand and
2. Shri Phusa Ram.

They further agreed that the decision of the arbitrator shall be binding on them.

2. The parties were asked to submit their written statement of the case endorsing a copy thereof to each other. They were further requested to furnish their comments if any on the statement of the opposite party, endorsing a copy thereof simultaneously to other party.

Accordingly, the Union submitted their statement of case on 5th November, 1968 and the company furnished their reply to the said statement on 13th February, 1969.

3. The Union in support of their demand stated that Shri Moolchand and Shri Phusaram (hereinafter referred to as said workmen) were Wiremen 'B' according to terms of employment incorporated in the Memorandum of settlement dated 20th August, 1960 which remained in operation for a period of 5 years and whereafter it was terminated. After that the company issued an office order No. A-2/10275/19 dated 17th March, 1967 that the said workmen alongwith others were categorised as Wireman and since then there was no category of Wireman 'A' or 'B'. Again the matter of Wage structure was negotiated by the unions with the company and a Settlement dated 2nd October, 1967 was arrived at before the Regional Labour Commissioner (Central), Ajmer at Bikaner, and by this agreement all the Wiremen were categorised as Wireman 'A' only. Thus said workmen were also categorised as Wireman 'A'. The union further stated that with the Settlement of 2nd October, 1967, the disparity in the matter of supply of uniform should have been done away with and the said workmen brought at par in this regard alongwith other Wiremen; and since this was not done by the company, it gave rise to the present dispute.

4. The union further stated that according to the terms of supply of uniform after the settlement dated 2nd October, 1967, the said workmen are also entitled to the same uniform and there is no other provision in the settlement governing the supply of uniform differently. The union therefore, demanded that the said workmen are entitled to the following reliefs in this regard:—

- (i) Grant of same uniform as it is being supplied to the other Wiremen namely Shri Kishanlal Wireman 'A'.
- (ii) Cash Compensation for the non supply of uniform on the same scale for the intervening periods. The union further demanded that the relief be granted with retrospective effect alongwith the cost of the case.

5. To the above contention of the union the company replied that the only relief due to the said workmen was as specified in the settlement dated 2nd October, 1967. If the union wanted that they should get further relief they

should have raised this point at the time of settlement, so that the company could know the total cost of agreeing to the terms of settlement. The matter having not been raised at that time cannot now be agitated. The company further replied that certain uniform was being supplied to Wireman 'A' as stated by the Union, however it was never intended that the other persons who were promoted subsequently would automatically receive the same type of uniform. The company further stated that the said workmen are therefore not entitled to any relief by way of uniform or cost in lieu thereof. The question of cash compensation does not arise since the uniforms are used on duty and could not be a source of profit to the said workmen.

6. The parties agreed to extend the time limit for giving the award in this case, which was earlier specified to be 2 months, by a further period of 4 months. The dispute was heard by me in the office of the company on 14th February, 1969. On behalf of the company Shri A. K. Mukerjee argued that Shri Kishanlal Wireman 'A' is getting two Khaki coats, two Khaki full pants yearly, and the said two workmen are supplied one Khaki full shirt, one Khaki half shirt and two full pants, since they were Wireman 'B'. They were categorised Wireman by the office order dated 17th March, 1967, w.e.f. 1st April, 1967 and Wireman 'A' by the Agreement dated 2nd October, 1967. He further stated that there is nothing in the agreement about the supply of uniform to the Wireman 'A'. Shri Gupta, after hearing the arguments of Shri A. K. Mukerjee stated that the workmen categorised as Wireman A should be supplied uniform accordingly. The agreement dated 2nd October, 1967 is silent on this issue. Shri Gupta further argued that the said workmen be supplied uniform w.e.f. 1st April, 1967 since the categories of Wireman 'A' and 'B' was abolished and only one category of 'Wireman' was kept. But by the agreement dated 2nd October 1967 again category of 'Wireman' was changed as Wireman 'A' and the said two workmen also categorised as Wireman 'A' w.e.f. 2nd October, 1967. Therefore they are also entitled to all the benefits what Shri Kishanlal Wireman 'A' continued to get after the said agreement. Shri Gupta further argued that in view of the above facts there should not be any discrimination while supplying uniforms to same category of workmen. Shri A. K. Mukerjee argued that there is no such rule or binding on the company that the said two workmen should also be supplied similar type of uniforms what they are supplying to Shri Kishanlal. There were no further arguments and the same were concluded. I have carefully examined the points raised by the parties before me at the time of arguments. In brief I would say that the company kept one category of Wireman 'A' by the agreement dated 2nd October, 1967. The Wireman 'A' who was already in that category continued to enjoy the same benefit what he was getting prior to the agreement dated 2nd October, 1967. I fail to understand as to why the said two workmen who were also categorised as Wireman 'A' should be denied the same benefit what his other colleagues are enjoying. It is nothing but a clear case of discrimination among similar category of workmen. I, therefore, give my award that Shri Moolchand and Phusaram, both Wireman 'A' should be supplied two Khaki coats and two Khaki pants yearly. They should be supplied two extra Khaki Coats for the years 1967 and 1968; before 1st June, 1969.

The parties shall bear their own costs.

BIKANER,

Dated the 7th March, 1969.

(Sd.) **BALBIR SINGHA,**

Labour Enforcement Officer (Central), Arbitrator, Bikaner.

[No. 24/47/68-LRI.]

New Delhi, the 20th March 1969

S.O. 1211.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2286, dated the 4th July, 1967, as amended from time to time, namely:—

In the said notification, in the second paragraph, for the words and figures "before the 1st April, 1969", the words and figures "before the 16th April, 1969" shall be substituted.

[No. 17/10/66/LRIV.]

S.O. 1212.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of Shri V. P. Pratap, Arbitrator, in the industrial dispute between the management of Shri Premraj Gundhar Contractor, Kokan Mines and its workmen represented by Samyukta Khadan Mazdoor Sangh, Rajhara Mines, Post Office Dalli-Rajhara, District Durg (Madhya Pradesh), which was received by the Central Government on the 14th March, 1969.

ARBITRATION AWARD UNDER SECTION 10A OF THE INDUSTRIAL DISPUTES ACT, 1947.

[In the matter of an industrial dispute between Shri Premraj Gundhar, Contractor, Kokan Mines of Bhilai Steel Plant, P. O. Kusum, District Durg (MP) and their workmen represented by Samyukta Khadan Mazdoor Sangh (AITUC), Rajhara Mines, P. O. Dalli-Rajhara, District Durg, (MP).]

PRESENT:

Shri V. P. Pratap, Assistant Labour Commissioner (Central), Jabalpur and Arbitrator.

AWARD

Under Arbitration Agreement dated 29th May, 1968 between the management of Shri Premraj Gundhar, Contractor, Kokan Mines of Bhilai Steel Plant, P. O. Kusum, District Durg, (MP) and their workmen represented by Samyukta Khadan Mazdoor Sangh (AITUC), Rajhara Mines, P. O. Dalli-Rajhara, District Durg (M.P.) as published in Part II, Section 3, Sub-section (ii) of the Gazette of India under order No. 37/19/68-LRI dated the 29th November, 1968 of the Government of India, Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment), New Delhi, the following issue was referred to me for arbitration :—

“Whether the demand of the President, Samyukta Khadan Mazdoor Sangh, Rajhara for payment of wages for the period from 2nd March, 1968 to 8th March, 1968 during which the workers were unemployed by Shri Premraj Gundhar, Contractor, Kokan Mines of Bhilai Steel Plant is justified? If so, to what relief the workmen are entitled?”

After the publication of the Arbitration Agreement, both the parties were required to file their written statements by 15th December, 1968 and rejoinders if any, by 25th December, 1968 under letter No. J-97(84)/68 dated 5th December, 1968. As no communication was received from any of the party till 30th December, 1968, both the parties were requested to call on me on 15th January, 1969 at 11 A.M. in my office at Jabalpur under letter of even number dated 30th December, 1968. In the meanwhile, a written statement under letter No. KMS/RM/169 dated 27th December, 1968 was received from the union on 30th December 1968, with a copy to the management. On 15th January, 1969 none was present on behalf of the management, whereas the union was represented by Shri Jibon Mukherjee, its President. In order to give one more opportunity to the management, further proceedings were ordered to be held on 31st January, 1969 at 11.00 hours in this office, due intimation of which was given to the parties. On a telegraphic request from the management, proceedings were adjourned for 4th February, 1969. Both the parties made appearances on 4th February, 1969 and after the inspection of the file the management's representative submitted a statement of his case and also a written statement raising preliminary objections. The management's representative also submitted 4 documents of which three were admitted by the union but a copy of the minutes of the conciliation proceedings said to have been held on 18th May, 1968 at Bhilai between the representatives of the union and the contractor was not admitted by the union. The same was therefore to be proved by the management. The hearing was thereafter adjourned for 17th February, 1969 and it was clearly stated that arguments shall follow immediately after conclusion of evidences and proceedings shall continue till conclusion.

On telegraphic request from both the parties, the arbitration proceedings which were to be held on 17th February, 1969, were postponed for 7th March, 1969, 11.00 hours in his office at Jabalpur and parties were clearly informed that no further adjournment shall be allowed and in case any party failed to appear the proceedings were to be proceeded and concluded *ex-parte*. Due intimation thereof was given to the parties. Before 7th March, 1969, the final date fixed for proceedings in this case, a communication dated 27th February, 1969 was

received from the management on 3rd March, 1969 raising certain preliminary objections. A copy of this communication was immediately sent by me to the union.

On 7th March, 1969 none was present on behalf of the management at the time fixed for the proceedings. After waiting for about an hour, the proceedings were started *ex-parte*.

The contention of the union with regard to the written statement dated 2nd February, 1969 submitted by the managements on 4th February, 1969 was that the preliminary objections as contained in the written statements should not be entertained because it was not validly presented. The written statement and the verification thereunder is supposed to have been done by Premraj Gundhar but it has not been signed by him. In fairness to the proceedings, the union further submitted that the arbitration proceeding was absolutely in order having arisen out of Arbitration Agreement dated 29th May, 1968 published by the Government on the request of the parties. In view of this request, according to the union, the management was estopped from challenging the Arbitration Agreement. It was further stated that Shri Jibon Mukherjee, on the relevant date and even from before, was the President of Samyukta Khadan Mazdoor Sangh, Rajhara. He further submitted that the establishment was not at all closed. Closure is defined by the Supreme Court in *Express Newspaper Ltd. vs. The Workmen and Staff* (1962-II-LLJ-227 SC) as follows:—

"In case of a closure the employer does not merely close down the place of business but he closes the business itself and so the closure indicates the final and irrevocable termination of the business itself. Lockout, on the other hand, indicates the closure of the place of business and not the closure of the business itself."

The union further stated that raising of iron ore, transportation and despatch were being carried on even after 8th March, 1968 and even on the date of the Arbitration Agreement.

As regards the managements objection that the dispute raised can utmost be said to pertain to non-implementation, improper implementation of the settlement as stated by the union in its written statement and hence cannot form a subject matter of an industrial dispute, the union's contention was although the dispute relates to the terms of the settlement but is not specifically one of the issue settled and therefore a valid industrial dispute could be raised.

The union produced Shri Jibon Mukherjee as a witness in support of its case. Shri Jibon Mukherjee deposed that he had been the President of Samyukta Khadan Mazdoor Sangh, Rajhara since 1967. He further stated that the Arbitration Agreement under reference was signed by both the parties on 29th May, 1968 when no objection with regard to his representative character for entering into the Arbitration Agreement was raised by the management. The managements were carrying on mining industry i.e. raising of the iron ore at the mine, transportation of the raised iron ore from the mine to the Railway siding and its loading into the wagons. According to him this work had been carried on throughout the months of March, April and May, 1968 and even on 29th May, 1968 when the Arbitration Agreement was signed. It was further stated that about 1,200 workmen engaged in the raising of iron ore were not given any work from 2nd March, 1968 to 8th March, 1968 (both dates inclusive) without any valid notice. An industrial dispute was raised in this respect and as a consequence, the present Arbitration Agreement was arrived at. He further stated that a conciliation settlement was signed on 5th December, 1967 before the Assistant Labour Commissioner (Central), Bilaspur and the Regional Labour Commissioner (Central), Jabalpur at Bilal between the opposite party and his workmen besides other contractors and their workmen. Clause 5 of the settlement dated 5th December, 1967, which is an Annexure to the written statement of the union, clearly provided that there shall be no retrenchment or discontinuity of service during the operative period of the settlement. The proceeding was closed thereafter.

After the closure of the arbitration proceeding, a telegram was received at 1-30 P.M. on 7th March, 1969 from Shri Premraj Gundhar which read as under:

"Unable to attend arbitration 7th March due to indisposition.
Premraj Gundhar."

As the telegram was received after the closure of the proceedings and further no request of any sort was made therein for adjournment or otherwise, no

further action could be taken thereon and Shri Premraj Gundhar was informed accordingly.

Coming to the dispute, the management in its written statements dated 2nd February, 1969 and subsequent communication dated 27th February, 1969 has raised certain preliminary objections. As the written statements dated 2nd February, 1969 does not bear signatures of Shri Premraj Gundhar, either at the end of it or even under verification, although the same are purported to bear his signatures, they cannot be said to have been validly presented. However, preliminary objections contained therein have been repeated with more clarity in subsequent communication dated 27th February, 1969, I proceed to examine these objections as under :—

- (1) The first objection of the management is that the Arbitration Agreement was not valid as Shri Jibon Mukherjee was not the President of the Union on the date of the Arbitration Agreement. According to the management Shri S. K. Sanyal was the President of the union. The contention of the union supported by the statement of Shri Jibon Mukherjee, is that Shri Jibon Mukherjee was the President of Samyukta Khadan Mazdoor Sangh, Rajhara on the date of the Arbitration Agreement. There is nothing on record to show that Shri S. K. Sanyal, and not Shri Jibon Mukherjee, was the President of the union on the date the Arbitration Agreement was signed. I, therefore, conclude that Shri Jibon Mukherjee was the President of Samyukta Khadan Mazdoor Sangh, Rajhara on the date of the Arbitration Agreement and that the Agreement has been properly signed in terms of the provisions of Rule 8 of the Industrial Disputes (Central) Rules, 1957.
- (2) The second objection raised by the management is that the dispute was raised by the union, conciliation proceedings held and Arbitration Agreement signed and published after the closure of the establishment. There is nothing on record to prove the management's contention. On the other hand the statement of Shri Jibon Mukherjee proves that the establishment was not closed and the work of mining, including transportation of iron ore and despatch, was being carried on throughout the months of March, April and May, 1968. He had further deposed that even on 29th May, 1968, when the Arbitration Agreement was signed, the above work was in operation. Burden to prove that the establishment was closed before the date of reference of the dispute for arbitration, laid on the management. As the managements have failed to prove it, I conclude that the establishment was not closed on or before the reference of dispute for arbitration.
- (3) The third objection of the management is that the demand pertained to non-implementation/or improper implementation of settlement dated 5th December, 1967 as claimed by the union. According to the management dispute over non-implementation/improper implementation of the settlement cannot form a subject matter of an industrial dispute.

The union's contention in this respect was that the dispute although relates to the terms of settlement but is not specifically one of the issue settled. The dispute raised by the union was for payment of wages for the period from 2nd March, 1968 to 8th March, 1968 during which the workers were not employed by the employers. Clause 5 of the conciliation settlement dated 5th December, 1967 reads as under :—

"Agreed that there shall be no retrenchment or discontinuity of service during the period of enforcement of this settlement which is six months to be reckoned from today dated the 6th December, 1967."

Nothing is mentioned in this clause about the payment of wages for unemployment during the operative period of the settlement particularly when the management raises the plea of closure of the establishment. I, therefore, conclude that the dispute is not for non-implementation or improper implementation of any settlement, although is related to a certain extent, to clause 5 of conciliation settlement dated 5th December 1967 and therefore correctly forms a subject matter of the present industrial dispute.

Coming to the merits of the case, it is proved by the statement of the only witness, Shri Jibon Mukherjee that the work was in operation on 1st March, 1968 and also on 9th March, 1968 and about 1200 workmen engaged in the raising of

iron ore were not given any work from 2nd March, 1968 to 8th March, 1968 (both dates inclusive) without any valid reason. There is nothing on record to show the reason for the work having not been given to these workmen on the dates given above. It is also not known whether these workmen could not be given work for reasons beyond the control of the employer. As the management has chosen not to put up his case on merits and lead evidence in this respect, I conclude that the demand for payment of wages for the period 2nd March, 1968 to 8th March, 1968 (both dates inclusive) during which the workers were unemployed by Shri Premraj Gundhar, Contractor, Kokan Mines of Bhilai Steel Plant is justified. I hold that all workmen who were not given work by Shri Premraj Gundhar, Contractor during the period from 2nd March, 1968 to 8th March, 1968 (both dates inclusive) are entitled to full wages at the rate prevailing immediately prior to 2nd March, 1968. I award accordingly.

(Sd.) V. P. PRATAP,
Asstt. Labour Commissioner (Central),
Jabalpur,
&
Arbitrator.

JABALPUR,
Dated the 8th March, 1969.

[No. 37/19/68-LRI.]

S.O. 1213.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bombay in the industrial dispute between the employers in relation to Messrs L. B. Simoes, Curchorem, Goa and their workmen, which was received by the Central Government on the 15th March, 1969.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY
REFERENCE NO. CGIT-65 OF 1965

PARTIES:

Employers in relation to M/s. L. B. Simoes, Curchorem, Goa

AND
their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers.—No appearance.

For the workmen.—Shri V. A. Gavas, General Secretary, National Mine Workers' Union, Goa.

STATE: Union Territory of Goa.

INDUSTRY: Mining.

Dated the 20th February 1969

AWARD

The Government of India, Ministry of Labour and Employment by their Order No. 24/39/65-LR.I dated 5th November 1965 have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to Messrs. L. B. Simoes, Curchorem, Goa and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

- (1) "Whether management of Messrs. L. B. Simoes, Curchorem, Goa, was justified in terminating the services of Shri Cyril Fernandes, Sam de Boy, with effect from the 13th March, 1964?"
- (2) If not, to what relief is the workman entitled?"

2. The employers Messrs. L. B. Simoes are mine owners and exporters of iron ores owning mines at various places such as Moliem, Jakem, Vagola and Firla, having their head office at Curchorem, Saverdem. The workman Shri Cyril Fernandes was in their permanent employ working as a sampler. He is a member

of the National Mine Workers' Union, Curchorem, Saverdem, Goa, at whose instance in the month of January, 1964, the workers working in the mines of M/s. L. B. Simoes had gone on strike and thereafter the workman Shri Cyril Fernandes has been dismissed with effect from 13th March, 1964.

3. By their statement of claim the National Mine Workers' Union has contended that Shri Cyril Fernandes was a permanent employee of L. B. Simoes working as a sampler in the mines. On the 13th March, 1964, as usual when he went to report for duty and sign the attendance he was not allowed to sign the same but a charge-sheet letter dated 12th March, 1964, was handed over to him in which it was alleged that he had committed several misconducts. He was charged for the misconducts of careless sampling resulting in wrong results of the ore and in subordination, etc., and by the same letter he was suspended from work. The workman immediately gave a reply to the charges, but the management had not paid attention to the grievances. Hence he approached his union which immediately referred the matter to the Conciliation Officer who issued notice to the management and the matter was pending.

4. It is alleged that during the pendency of this conciliation proceedings the management dismissed the workman in contravention of section 9A of the Industrial Disputes Act. On the 28th March, 1964, the day of the hearing in the enquiry the workman had attended the office, but no enquiry was conducted and instead the officer wanted the workman to go to the residence of the boss which was not acceptable as his past experience about the employer was very bad. Though the enquiry was adjourned the employers did not intimate to the workman the fresh date of the enquiry and making a show of holding an enquiry dismissed him from service. They have contended that as the employee was an active worker of the union and had taken part in the strike held in the month of January, 1964 the employers have dismissed him out of revenge as an act of victimisation. The dismissal with effect from the date of suspension also was illegal and improper and the same should be set aside and the employee should be reinstated with back wages.

5. The employers by their written statement have raised two inconsistent pleas. It was contended that the workman had to report for work as per usual practice to the head office at Sanvordem and receive work orders and though he was suspended from working at the Moliem mines he should have continued to report for work at the head office and he had voluntarily resigned from work. In the alternative it was further contended that the workman by the charge-sheet, dated 12th March, 1964, was charged for the misconducts of erratic sampling work, insubordination, etc., and the management have held a proper enquiry on 27th April, 1964, but the employee did not take part in the enquiry. The management had examined witnesses and the enquiry officer after considering the evidence found that he was guilty of the misconduct alleged against him and recommended his dismissal and accordingly this employee was dismissed from service with effect from 13th March, 1964. They have denied the allegations about the defects in the enquiry and victimisation and have contended that they were justified in terminating his services even from the date of suspension and he was not entitled to any relief.

6. Though this reference was fixed for hearing it was required to be adjourned on various occasions for several reasons. The parties wanted it to be heard at Goa and it was fixed for hearing at Goa in my sittings there this month. Both the parties were served with the notice of hearing and the matter was actually heard on 7th February, 1969. The union was represented by its General Secretary Shri V. A. Gavas, while the employer had remained absent though served and the case was heard *ex parte*.

7. In support of their contention about the defects in the enquiry and victimisation the union has produced an affidavit of the workman who was also examined as a witness. The union has also examined its officer and the question is whether the enquiry held by the employers is proper.

8. The employers have along with their rejoinder produced copies of the enquiry proceedings and it appears that the enquiry was held on 27th April, 1964. The enquiry appears to have been conducted by one Shri A. Silveira, Office Superintendent of the Head Office. In the enquiry the management had examined the store-keeper and the time-keeper regarding the charges of irregular sampling work resulting in wrong results and two other witnesses for proving the misconduct of insubordination. The enquiry officer has held him guilty of the first charge

and found that the accused had behaved in a disorderly manner and was in-subordinate to the Mines Manager, his superior and did not complete the work entrusted to him in giving his report on the Jakem Mine as instructed. The enquiry officer held him guilty of the two misconducts.

9. Shri Gavas the General Secretary of the Union has argued that the management has not held any enquiry and has produced false documents and even if it be held that the management had held an enquiry there was no evidence worth the name to hold that there was careless sampling resulting in wrong results and that the accused had behaved in a disorderly manner. He has also shown that though the charge was for refusal to go to Jokim the brief history would show that the accused had gone to Jokim and there was also no evidence about not completing the work. He has also invited my attention to the evidence and other circumstances about the place of duty of the witnesses and the improbability on their part to know the matters deposed to. It is true that in the absence of evidence of the Manager and anything wrong about the results of the sampling done by the accused it is not known on what material from the evidence of these witnesses the enquiry officer could believe the misconducts alleged against the workman. Both the store-keeper and the time-keeper can have no knowledge at least about the results of the sampling and whether they were right or wrong. But the enquiry officer found that the two misconducts alleged have been proved against the employee and there is some substance in the arguments advanced by the union. However, the enquiry officer is a domestic tribunal and I shall not be justified in examining the evidence and find out its correctness and the only point is whether the concerned workman was given notice of the enquiry and whether he has been dismissed as a result of victimisation.

10. It is not in dispute that the workman was handed over the charge-sheet dated 12th March, 1964, by the Manager of the Moliem Mines and the workman denying the charges gave a reply on the 16th March, 1964. The management at first fixed the enquiry on the 26th March, 1964, but as the workman was ill it was adjourned to the 28th March, 1964. The employee has contended that he had remained present in the office for the enquiry along with an officer of the union but the management did not hold the enquiry on that day and on the contrary asked him to go to the boss at his residence. But he refused to go and thus the matter rested there without fixing any future date for the enquiry. The management has contended that on that day the employee came late and requested the management to adjourn the hearing as he wished to consult the union and further requested them that he be given a chance to fix the date of the next hearing and hence they adjourned the hearing of the enquiry giving him a chance to fix the date. But the accused did not inform them the date for holding the enquiry and hence they gave him notice and held the enquiry on the 27th April, 1964 *ex parte*.

11. I have already observed that according to the enquiry papers the enquiry has been held on the 27th April, 1964. However, there is absolutely nothing to show that the employee was served with the notice of the hearing of this enquiry or that he knew about the proceedings. It appears from paragraph 4 of the findings that the enquiry officer is under the impression that 27th April 1964—the date of the hearing—was fixed on 28th March, 1964, in the presence of the accused himself. He has observed:—

“At the request of the accused was postponed to 28th March, 1964, but on this postponed date he did not appear till an hour after the appointed time and again requested postponement on the plea that he wished to consult the union. The date was fixed for 27th April for the hearing of the enquiry but once again the accused failed to appear.”

12. However, from the employers' own written statement the date of hearing of 27th April, 1964, was not fixed in the presence of the accused. They have contended that on 28th March, 1964, the accused requested for postponement as he wished to consult the union and has further requested them that he be given a chance to fix the time and the date of the next hearing. But as they did not hear from him subsequently they had on 21st April, 1964, issued a notice to him for the hearing on 27th April, 1964. Under these circumstances the impression that the date of hearing was fixed on the 28th March, 1964, in the presence of the accused is not correct and there is nothing to show that the accused knew about the date of hearing. The employer's case that on the 28th March, 1964, the accused was given a chance to fix the date of the enquiry hearing does not stand to reason and cannot be accepted.

13. The union has examined Shri Nagesh Karmali ex-Secretary of the National Mine Workers' Union who was present in the office of the employers along with the worker on 28th March, 1964. He has stated that on the 28th March, 1964, he had accompanied the worker but on that day the enquiry was not held and the enquiry officer Shri Sylvera asked Shri Fernandes to go to the residence of the boss. But Shri Fernandes refused to go and both of them had to go back. Thus from the evidence of the worker and the circumstances it has been established that on the 28th March, 1964, the workman appeared before the enquiry officer but no enquiry was held on that day. The enquiry officer asked him to go to the residence of the boss and as he refused the proceedings were adjourned and no fresh date of hearing of the enquiry was fixed on that day.

14. Though the management has produced a copy of the notice dated 21st April, 1964 about the enquiry on 27th April, 1964 there is absolutely nothing to show that this letter was delivered to the addresses or to the union. The management has not produced any acknowledgment receipt nor is there any evidence in that respect and there is no reason to disbelieve the workman's evidence that he did not receive any notice of the hearing of the 27th April, 1964. In his deposition he has stated what happened on the 28th March, 1964, and has further stated:—

"Thereafter I did not receive any notice regarding the enquiry".

and it is clear that if at all an enquiry was held the same was conducted without informing the employee. He had no opportunity to be heard and it shall have to be held to be improper.

15. It is significant to remember that the National Mine Workers' Union had immediately on the 17th March, 1964, written a letter to the management about the illegal suspension and victimisation and had also forwarded a copy of the same to the Conciliation Officer (Central). They also put forth the dispute before the Conciliation Officer by their letter, dated 3rd April, 1964. The Conciliation Officer issued notice and the conciliation proceedings were held on 10th April, 1964, 27th April, 1964 and 29th April, 1964, and it appears from the failure report which has been forwarded along with the reference order that the conciliation proceedings was itself held on 27th April, 1964, in the office of the Conciliation Officer at Vasco da Gama and it is quite improbable that the management would fix the date of the hearing of the enquiry on the same day in their office at Sanvordem which is about 25 miles away. There is also no reference in the proceedings before the Conciliation Officer that on that day the enquiry was to be held and this circumstance also corroborates the workman's contention that no notice about the enquiry was received by him and the enquiry was held in his absence. In the procedure followed by the employers holding the enquiry without serving a notice to the worker they have violated the principles of natural justice and the enquiry shall have to be held to be improper.

16. It is not in dispute that the miners of the employers had gone on strike in the month of January, 1964. The union has contended that the workman Shri Fernandes was an active worker of the union. He had taken part in the strike and the management has dismissed him out of the revenge and the dismissal is an act of victimisation. Shri Fernandes in his deposition has stated that he was dismissed by the company merely because he was taking part in the union activities. He is also supported by the officer of the union Shri Karmali, who stated that the company had dismissed Shri Fernandes because he was an active member. However, besides these bare statements there is no other evidence to show that the real intention of the management was to dismiss him out of revenge and though the circumstances give rise to suspicions it shall have to be held that there is no sufficient proof to hold that the order of dismissal is passed out of revenge.

17. Shri Gavas, General Secretary of the Union has further contended that the management had not applied for the approval of the dismissal and the mere fact that the workman was dismissed by the employers by the order dated 15th May, 1964, during the pendency of conciliation proceedings was sufficient to decide the reference in favour of the union. It has been alleged that the union had referred the dispute about the suspension of the workman from 13th March, 1964, to the Conciliation Officer who was investigating the matter and had held conciliation proceedings. The Conciliation Officer had issued notices to the parties. They had also taken part in the proceedings. The proceedings were pending till the date of the reference i.e., 5th November, 1965 and the workman's dismissal on 15th May, 1964, without any application for approval of the authority was in contravention of the provisions of section 33(2)(b) of the Industrial Disputes Act

and therefore the dismissal should be set aside and the workman should be reinstated.

18. It is clear from the record that after the suspension of the workman on 13th March, 1964 the National Mine Workers' Union first made a complaint to the employers about the wrongful suspension by their letter, dated 17th March, 1964, and had sent a copy of the same to the Conciliation Officer and subsequently again made a reference about it to the Conciliation Officer by their letter, dated 3rd April, 1964 on the strength of which the Conciliation Officer issued notices and held the conciliation proceedings. Along with the order of Reference Government have forwarded to this Tribunal the failure report which shows that the case of the suspended workman was taken up by the union by their letter dated 3rd April, 1964 and there was an industrial dispute between the workmen of Messrs. L. B. Simoes and the employers since 3rd April, 1964. In the failure report it has been observed:—

“The General Secretary, National Mine Workers' Union represented *vide* his letter No. NMW/38-55/18-64, dated the 3rd April, 1964, that the management of Messrs L. B. Simoes had placed Shri Cyril Fernandes who was engaged in sampling work in their mine under suspension with effect from 13th March, 1964. According to the union the suspension was irregular. The suspension was considered by the union as an act of victimisation....”

In this report it has been further observed:—

“The General Secretary therefore sought the intervention of the Conciliation Officer (Central) Vasco da Gama and the dispute was admitted in conciliation. Conciliation proceedings were fixed on 10th April, 1964....”

19. It appears that on the first day the management did not attend the conciliation proceedings but merely sent their written reply contending that there was no dispute but subsequently on the 27th April, 1964, the management attended and took part in it. In the report it has been observed:—

“They further contended that Shri Cyril Fernandes was suspended from work only at their Mollem mine. It was required on him to report for duty at their head office as it was always the customary practice to do so. As Shri Cyril Fernandes had failed to report for duty at the head office the management contended that he had voluntarily left his service with Messrs. L. B. Simoes. However, the management attended the conciliation proceedings on 27th April, 1964. In that proceedings several proposals were made by the Conciliation Officer which would have brought about a settlement of the dispute.”

Subsequently the management did not take part in the proceedings and it appears that they informed that they had held an enquiry, etc. It is clear from the record that the conciliation proceedings before the Conciliation Officer commenced on the 3rd April, 1964, when the union filed their complaint about the illegal suspension. The failure report is dated 14th August, 1965, and the case was referred to this Tribunal on 5th November, 1965. The affidavit of the workman says that he was dismissed by letter dated 15th May, 1964, and it has been established that the employers have dismissed him from service during the pendency of the proceedings before the Conciliation Officer.

20. The union has further contended that the employers had not paid the wages to the workman as required under section 33(2)(b) and the dismissal order is illegal. The workman has in his deposition stated:—

“The union had made an application to the Conciliation Officer and there were conciliation proceedings. I received the dismissal order after about a month or so, but I do not remember the date. No payment was made to me. I had gone to the office and made a demand but they asked me to go to the union people for getting the salary.”

Thus the evidence clearly proves that the workman has been dismissed from service during conciliation proceedings and the employers have not made any payment. It is also clear that they have not made any application for approval of their action. Section 33 of the Industrial Disputes Act lays down—

“During the pendency of any conciliation proceeding before a Conciliation Officer.....not employer shall.....”

(2) during the pendency of any such proceeding.....

Provided that no such workman shall be discharged or dismissed unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer."

21. The workman was employed by L. B. Simoes mine owner. He was not employed in a public utility service and there is no question of any strike notice for the commencement of conciliation proceedings. The union that took up the cause of the dismissed workman made a complaint and referred to the Conciliation Officer Vasco da Gama by their letter dated 3rd April, 1964 and it is clear that conciliation proceedings had commenced on that date and it was therefore necessary for the employers to make an application to the Conciliation Officer before whom the proceedings were pending for approval under section 33(2)(b). They have not made such an application nor have they paid wages as required by section 33(2)(b) and it shall have to be held that the order of dismissal passed against the employers is illegal on this account also.

22. The General Secretary of the union has further contended that the workman was illegally suspended from his work on 13th March, 1964 by his letter dated 15th May, 1964. He has been dismissed from service with effect from 13th March, 1964. Thus the dismissal has been effected retrospectively and the same was improper. The workman was in the employ of the mineowners since before 8 years. He was a permanent employee. If the standing orders of an establishment permit the suspension of the employee for misconduct there can be nothing irregular in dismissing an employee for his misconduct with effect from the date of his suspension. It is true that there is nothing to show that there are standing orders permitting the employers to suspend a workman before the enquiry. However, it was for the workman to prove that fact that there are standing orders but no standing order about suspension. The workman has not stated anything about it and the dismissal from the date of suspension cannot be held to be irregular on that account.

23. However, leaving aside the question about the absence of standing orders to that effect it is clear from the statement of the management itself that the suspension effected was improper. According to them he was suspended from work only at Moleim mines and he should have attended the duties at the head office and gone to do his sampling work in other mines. They have therefore contended that he had voluntarily left service. It is the case of the workman that on the 13th March 1964 when he went to the head office and sign the attendance he was not allowed to sign the same. If the workman was attending the head office and working in all the mines the order of suspension by the Moleim Mines Manager and requiring the workman not to work in the mines at all shall have to be held to be improper and it was because of such reasons the union had made a complaint to the management and also to the Conciliation Officer and in view of this irregularity in suspension I do not think that the dismissal order can be given retrospective effect.

24. However, I have held that the management has not held a proper enquiry against the workman. They have not served any notice to the workman and have violated the principles of natural justice. They have also dismissed him during the pendency of conciliation proceedings before the Conciliation Officer and as they have not made any application for approval and had not also made payment they have violated the provisions of section 33(2)(b) and the dismissal shall have to be held to be unjustified.

25. The second issued referred to this Tribunal by the schedule is in respect of the relief to which the workman is entitled. As I have held that the dismissal was not justified the workman is entitled to be reinstated in service in his former post with back wages. In view of my finding about the defect in the enquiry it may be open to the management to hold a proper enquiry and following the procedure comply with the provisions of section 33(2)(b) of the Industrial Disputes Act. However, regarding relief to the workman in this reference as the dismissal is not justified he is entitled to be reinstated with back wages. Hence my award accordingly.

The employers to pay costs of Rs. 100 to the union.

(Sd.) A. T. ZAMRE,

Presiding Officer.

Central Government Industrial Tribunal, Bombay.

[No. 24/39/65-LRI.]

S.O. 1214.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Tribunal, Calcutta, in the matter of an application under section 33A of the said Act from Shri Kailash Chandra Joshi, Store Keeper, Grade I, Stock Verification Branch, Oil and Natural Gas Commission, Tel Bhavan, Dehra Dun, which was received by the Central Government on the 14th March, 1969.

NATIONAL TRIBUNAL, CALCUTTA

MISC. APPLICATION No. NIT-3 of 1968

ARISING OUT OF REF. No. NIT-5 of 1967

PARTIES :

Shri Kailash Chandra Joshi, Store Keeper, Grade I, Stock Verification Branch, Oil & Natural Gas Commission, Tel havan, Dehra Dun.—*Applicant.*

Vs.

Messrs. Oil & Natural Gas Commission, Tel Bhavan, Dehra Dun.—*Opp. party*

PRESENT :

Shri B. N. Banerjee Presiding Officer.

APPEARANCES:

On behalf of Applicant—Absent.

On behalf of Opp. party—Sri Monotosh Mukherjee, Counsel.

INDUSTRY: Oil & Gas.

AWARD

This is an application under Section 33A of the Industrial Disputes Act, 1947.

2. The applicant, Kailash Chandra Joshi, seems to be aggrieved by an order of termination of his service. In paragraph 5 of the petition, he says that the order of termination of service "without assigning any reason, in gross violation of the principles of Natural Justice, Industrial Employment Standing Order Act, 1946, Industrial Disputes Act, 1947, and various enactments (Acts & Rules), in order to interfere, coerce and intimidate with his recognised Trade Union activities amounts to unfair labour practice as defined in Section 29K of the Indian Trade Union Act, 1926. The complainant is a victim of unfair labour practice on the part of the opposite party."

3. There is no dispute that Joshi, the workman, used to serve as a Store Keeper, grade I, under the department of Mechanical Engineering, Oil & Natural Gas Commission at Dehra Dun. By an order dated April 6, 1967, he was transferred from Dehra Dun to Cambay-Nawagam Project (Ext. 2). The said order reads:

"In partial modification of this office order of even number dated 15th December, 1966, the transfer order in respect of Shri B. D. Chandna, Store Keeper, Grade I from Geology Directorate, Dehra Dun to Cambay-Nawagam Project is hereby cancelled.

Shri K. C. Joshi, Store Keeper, Gd. I, Mech. Engg. Branch, is hereby transferred to Cambay-Nawagam Project *vide* Shri S. D. Sharma, Store Keeper, Grade I. This supersedes office order No. DSP-Estt/9(5)/64 dated 22nd June, 1964.

Shri Joshi will move first."

4. It appears from the evidence of D. R. Dhingra, who was examined on behalf of the employer, The Oil and Natural Gas Commission, that the workman did not comply with the transfer order. Instead thereof, he filed a suit challenging the transfer order. In paragraph 3 of the application the applicant stated that the said suit (namely Suit No. 68 of 1967) was still pending in the Court of District Judge at Dehradun. This, however, is not correct, as appears from the evidence of Dhingra as also from Ext. 3, a letter from the Advocate of the Oil and Natural Gas Commission to the Legal Adviser of the said Commission, setting out the material portion of the order, namely:

"The plaintiff is allowed to withdraw the suit with liberty to file it afresh. The defendant shall get his full costs of the suit from the plaintiff. The plaintiff shall not file any such fresh suit unless he has deposited or paid the costs of this suit to the defendant."

It is in evidence that costs have not yet been paid and no fresh suit has been filed. It further appears from the evidence of Dhingra as also from Ext. 1 that there was an order of termination of service sent to the workman on December 29, 1967, couched in the following language:

"Under para 2(iv) of Memorandum No. HQ/SO-Estt/1(33)63, dated 6/7 December, 1963, read with para 3 of office order No. P.F/K-44/64-Estt. III(NT), dated 26/27 February, 1964, the services of Shri K. C. Joshi, Store Keeper Grade I, are hereby terminated, with immediate effect in accordance with the terms and conditions of his service.

2. A cheque for Rs. 317.00 (Rupees three hundred and seventeen), only, representing one month's pay and allowance, in lieu of the notice, is enclosed."

The words 'terms and conditions of his service' referred to in Ext. 1 is referable to clause 2(iv) of the terms and conditions of his appointment (Ext. 7) which reads:

"2(iv). The appointment may be terminated any time by a month's notice given by either side viz. the appointee or the appointing authority, without assigning any reasons. The appointing authority however, reserves the right of terminating the services of the appointee forthwith or before expiration of the stipulated period of notice by making payment to him of a sum equivalent to the pay and allowances for the period of notice or the unexpired portion thereof."

It appears from the last paragraph of the order of termination of service set out above, that a sum equivalent to his pay and allowance for the period of notice was paid along with the order of termination of service.

5. Against the order of termination of service, the workman took various steps as appears from the evidence of Dhingra, which I set out below:

"After the service of the order of termination of service, Joshi applied to various courts and tribunals for relief. He filed a writ petition before the High Court at Allahabad, he filed an application before the Labour Court at Lucknow and he also filed an application before this Tribunal. He also moved the Conciliation Officer."

It appears further from his evidence that the writ petition before the High Court at Allahabad is still pending but that Court has not been pleased to stay the proceedings of this tribunal or to injunct the employer from proceeding before this tribunal in the present matter. Any order that is herein made must ultimately abide by the order that the High Court of Allahabad may be pleased to make on the writ application. But, for that reason, I need not keep the present application pending because their Lordships have not stayed the present proceedings. The application before the Labour Court at Lucknow and the application before this tribunal were simultaneous. Before the Labour Court, as appears from Ext. 5, the workman made an election and that election is recorded in the following order of the Labour Court:

"Camp Dehra Dun, 3rd June, 1968. Case taken up. The complaint and the representative of the opposite party are present. The complainant states that he elects to proceed with his complaint in this court and would not prosecute his case in National Industrial Tribunal, Calcutta."

By its award (Ext. 6) the Labour Court at Lucknow held that the complainant was not entitled to any relief against the order of termination from service.

6. Despite the election made before the Labour Court at Lucknow, the complainant wants to back out from the election now and to have his application before this tribunal heard over again. This, of course, he is not entitled to do.

7. There is a further point in this matter. It appears from his letter of appointment that under the conditions of service he could be dismissed on notice or on payment of a month's wages in lieu of notice. In the instant case, his services were terminated on payment of a month's wages in lieu of notice. Thus, there has been no change in the service condition during the pendency of a case before the National Tribunal. That reference has now long been disposed of.

8. The workman did not chose to appear before this tribunal. He has been asking for adjournment after adjournment. I granted him an adjournment on an earlier occasion, but with a more than a year old case, I do not propose to do so over and over again. I have therefore gone on with the case without him. I have, in his absence, dealt with the evidence to the best of my judgment and I find that he is not entitled to any relief.

9. I, therefore, dismiss this application and make an award accordingly.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, March, 7, 1969.

[No. 25/7/69-LRI.]

ORDERS

New Delhi, the 19th March 1969

S.O. 1215.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of the Punjab National Bank Limited in reverting Sardar German Singh to the post of a clerk with effect from the 23rd April, 1963 in preference to Shri T. C. Agarwal, Clerk was justified? If not, to what relief is Sardar German Singh entitled?

[No. 23/83/68-LRIII.]

New Delhi, the 20th March 1969

S.O. 1216.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajammul Hussain shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the management of the Punjab National Bank Limited, Madras was justified in giving officiating chances in a higher post since 1962 to Shri A. Nagaraja Rao in preference to Shri A. Venkatasubramanian, both Clerks of the Pudukottai branch of the Punjab National Bank Limited? If not, to what relief, the second mentioned workman is entitled?

[No. 23/115/68-LRIII.]

S.O. 1217.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs Jaipur Udyog Limited, Phalodi Quarry, Sawaimadhopur and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Gopal Narain Sharma, with headquarters at Jaipur and refers the said dispute for adjudication to the Industrial Tribunal.

SCHEDULE

Whether the action of the management of Jaipur Udyog Limited, Phalodi Quarry, Sawaimadhopur in dismissing Shri Prabhu S/o Shri Chhaganlal Compressure driver, with effect from the 17th February, 1968, was legal and justified? If not, to what relief is the workman entitled?

[No. 36/34/68-LRI.]

New Delhi, the 21st March 1969

S.O. 1218.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hukam Chand Insurance Company Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act;

SCHEDULE

Whether the management of Messrs. Hukum Chand Insurance Company Limited, Calcutta, was justified in terminating the services of Sarvashri Amal Chandra Nath, Assistant and K. N. H. Nair, Typist with effect from the 1st November, 1968? If not, to what relief are the workmen entitled?

[No. 25/2/69-LR-III.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 19th March 1969

S.O. 1219.—In exercise of the powers conferred by sub-section (1) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 695, dated the 13th February, 1969, the Central Government hereby appoints Shri P. Sadagopan as the Central Provident Fund Commissioner with effect from the 24th February, 1969.

[No. 15(4)/69-PFI(I).]

S.O. 1220.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 696, dated the 13th February, 1969, the Central Government hereby appoints Shri P. Sadagopan to be an Inspector for the territories to which the said Act extends for the purposes of the said Act or of any Schemes framed thereunder in relation to any establishment belonging to, or under the control of, the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil field, or a controlled industry.

[No. 15(4)/69-PFI(II).]

S.O. 1221.—Whereas the Central Government is satisfied that the employees of the Geodetic and Research Branch Workshop, Survey of India, Dehra Dun, belonging to the Government of India, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government, after consultation with the Employees' State Insurance Corporation, hereby exempts the said Geodetic and Research Branch Workshop from the operation of the said Act for a further period of one year upto and inclusive of the 31st December, 1969.

[No. F. 6/14/69-III.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 20th March 1969

S.O. 1222.—In exercise of the powers conferred by section 8 of the Coal Mines Labour Welfare Fund Act, 1947 (32 of 1947), read with sub-rule (1)(a)(xii) of rule 3 of the Coal Mines Labour Welfare Fund Rules, 1949, the Central Government hereby appoints Shri S. Das Gupta as a member of the Advisory Committee *vice* Dr. (Mrs.) Maitreyee Bose, and makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1118, dated the 21st March, 1968, namely :—

In the said notification, for the entry relating to serial No. 15, the following entry shall be substituted, namely :—

"Shri S. Das Gupta".

[No. 3/3/69/MIL.]

P. R. NAYAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 20th March 1969

S.O. 1223.—In exercise of the powers conferred by sub-section (i) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri P. C. Rao as Inspector of Mines subordinate to the Chief Inspector of Mines and makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment S.O. No. 531 dated the 2nd March, 1961, namely :—

In the said notification the following entry shall be added at the end namely :—

"113 Shri P. C. Rao."

[No. 8/47/67-M-I.]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)

New Delhi, the 20th March 1969

S.O. 1224.—In exercise of the powers conferred by sub-section (1) of section 19 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2680, dated the 17th July, 1968, namely :—

In the Table appended to the said notification—

(a) in item I,—

(i) in the entries against serial Nos. (3), (4) and (9) for the entries in column (2) the following entries shall respectively be substituted, namely :—

"(3) Director, Indian Institute of Labour Studies, New Delhi.

(4) Deputy Director, Indian Institute of Labour Studies, New Delhi.

(9) Assistant Director, Indian Institute of Labour Studies, New Delhi."

(ii) serial No. (5) and the entry relating thereto in column (2) shall be omitted;

(b) in item VII, for the entry in column (3), the following entry shall be substituted, namely:—

“The State of Bihar except the civil district of Singhbhum.”;

(c) in item X, for the entry in column (3), the following entry shall be substituted, namely:—

“The civil districts of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal.”;

(d) after item X, the following item and entries shall be added, namely:—

(1)	(2)	(3)
(1) Regional Labour Commissioner (Central) Bhubaneswar.		“XI. The State of Orissa and the civil district in Singhbhum in the State of
(2) All Assistant Labour Commissioners (Central) in Bhubaneswar Region.		
(3) All Labour Enforcement Officers (Central) in Bhubaneswar Region.		

[No. 2(2)/69-L.A.]
 B. K. SAKSENA, Under Sec